

EXHIBIT N

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

**IN RE: VALSARTAN, LOSARTAN, AND
IRBESARTAN PRODUCTS LIABILITY
LITIGATION**

MDL No. 2875

Honorable Robert B. Kugler,
District Court Judge

Honorable Thomas I. Vanaskie (Ret.),
Magistrate Judge

DECLARATION OF YANG XUEYU

I, Yang Xueyu, declare under penalty of perjury under the laws of the United States that the following is true and correct to the best of my knowledge:

A. Introduction

1. I am a partner of Yun Zheng Law Firm (in association with Hui Zhong Law Firm, collectively “**Hui Zhong**”).

2. I graduated *magna cum laude* from Wuhan University and obtained a bachelor’s degree in law in 1999. I obtained master’s degrees in law from Zhejiang University and the University of Wisconsin – Madison in 2002 and 2004, respectively. I am an attorney qualified to practice law in China and the State of New York since 2002 and 2005, respectively.

3. I specialize in cross-border commercial arbitration and litigation, especially complex contentious matters involving multiple jurisdictions. I have advised both domestic and foreign clients in a broad range of sectors such as real estate, construction, IT, biotechnology, hi-tech, and automobiles in proceedings conducted at the ICSID, PCA, ICC, HKIAC, SIAC, CIETAC and different levels of domestic courts including the Supreme People’s Court of China.

4. Hui Zhong is a China-based boutique law firm specializing in domestic and international dispute resolution. Hui Zhong provides services to domestic and international clients from offices in Beijing, Shanghai, Shenzhen and Hong Kong. The lawyers of Hui Zhong have substantial experience in representing clients in Chinese litigation and arbitration proceedings, international arbitration proceedings, investment treaty arbitration proceedings, as well providing expert opinions or other advisory opinions in foreign jurisdictions on matters of the laws of the People's Republic of China ("PRC") laws.

5. I submit this declaration in opposition to Plaintiffs' motion to compel production of Baohua Chen's custodial file (Dkt. 420) and in support of the ZHP Parties' cross-motion for protective order.

6. Baohua Chen is the President of Zhejiang Huahai Pharmaceutical Co., Ltd.

7. Baohua Chen holds the following social titles:

- a) Deputy to the 13th National People's Congress of the People's Republic of China ("NPC")
- b) Standing Member of the 5th Taizhou Municipal Committee of Chinese People's Political Consultative Conference ("CPPCC")
- c) Chairman of Taizhou Federation of Industry and Commerce (General Chamber of Commerce)
- d) Vice President of Zhejiang Chamber of Commerce
- e) Standing director of Zhejiang Pharmaceutical Association
- f) Member of the Fourth Council of Linhai Charity Federation
- g) Member of the Standing Committee of the 16th People's Congress of Linhai City

8. Baohua Chen's social positions give him access to information that contains state secrets.

9. State secrets are protected under PRC law. The disclosure of such classified information may violate the Law of the People's Republic of China on Guarding State Secrets

(“**State Secrets Law**”, **Annex 1**) and other laws, as well as relevant regulations, judicial interpretations and administrative rules.

10. Disclosure of state secrets may cause damage to China's national security and interests, and Baohua Chen would personally face serious criminal or administrative liability as a result of such disclosure.

B. Nature of the National and Local People's Congresses, and Functions of the Deputies

11. The NPC is the highest organ of state power in China. NPC exercises the most fundamental and important powers of the State, including the power to amend the Constitution and supervise its implementation, the power to enact and amend the basic laws of the State, the power to elect or decide on the appointment and removal of the members of the Standing Committee of the NPC, the President and Vice President of PRC, the members of the State Council, the members of the Central Military Commission, the President of the Supreme People's Court and the Procurator-General of the Supreme People's Procuratorate, the power to decide on State important matters such as the national economic and social development plan, the State budget, the establishment of provinces, autonomous regions and municipalities directly under the Central Government, the establishment of special administrative regions and their systems, peace and war issues, the power to supervise the State Council, the Central Military Commission, the Supreme People's Court and the Supreme People's Procuratorate, and other powers that should be exercised by the NPC. These powers are plenary and supreme in authority, concretely reflecting the status of the NPC as the highest organ of state power. (Articles 57, 58, 62 of the Constitution of the People's Republic of China, “**Constitution**”, **Annex 2**).

12. Deputies to NPC and to the local people's congresses at various levels shall, representing the interests and will of the people, participate in the exercise of State power in

accordance with the functions and powers vested in the people's congresses at the corresponding levels by the Constitution and relevant laws (Article 2 of the Law of the People's Republic of China on Deputies to the National People's Congress and to the Local People's Congresses at Various Levels, "**Deputies Law**", **Annex 3**). The deputies of NPC enjoy the right to attend sessions of the people's congress at the corresponding level, as well as participate in the deliberations of all proposals, reports and other subject matters, and express their opinions; jointly put forward proposals, inquiries and proposals of removal from office in accordance with the law; put forward recommendations, criticisms and opinions on various tasks; participate in all elections of the people's congresses at the corresponding level; participate in the casting of various votes at the people's congresses of the corresponding level; obtain required information and various guarantees in exercising the duties of a deputy in accordance with the law; other rights stipulated by the law (Article 72 of Constitution, **Annex 2** and Article 3 of Deputies Law, **Annex 3**). The work of the deputies performed during the sessions of the people's congresses at their own level and the activities conducted between sessions of the people's congresses shall constitute the execution of their duties as deputies (Article 5 of Deputies Law, **Annex 3**).

13. Local people's congresses at various levels are local organs of state power. The deputies of local people's congresses exercise their functions within their own administrative regions, including the right to deliberate, vote, nominate, elect, put forward proposals, and inquire (Articles 96, 99, 100, 101 and 104 of the Constitution, **Annex 2**).

C. Nature of National and Local CPPCC, and Functions of CPPCC Members

14. The principal functions of the National Committee and local committees are political consultation, democratic oversight, and participation in and deliberation of state affairs. (Article 3 of Charter of CPPCC, "**CPPCC Charter**", **Annex 4**).

15. Specifically, the CPPCC National Committee and local committees shall maintain close ties with individuals from all walks of life, reflect the views and demands of these people and the sectors of society they are connected to, make suggestions and criticisms about the work of state organs and their employees, and assist state organs in carrying out structural and institutional reform, improving work, raising efficiency, make inspections, visits, and surveys, assess situations, carry out research on important issues related to various social programs and the people's livelihood, and put forward suggestions and criticisms to the state organs and other relevant organizations through recommendations, proposals, reports on social conditions and public sentiment, and other forms (Articles 7 and 11 of CPPCC Charter, Annex 4).

16. Members of the CPPCC National Committee and local committees have the right to vote and to participate in and stand for election at their respective committee sessions; and the right to voice their opinions, criticisms, and suggestions concerning the work of their respective committees. (Article 33 of CPPCC Charter, Annex 4).

17. CPPCC Local committees at each level shall exercise the following functions: electing the Chairperson, Vice-Chairpersons, Secretary-general, and members of its standing committee, and deciding upon additions or changes to the standing committee membership; hearing and deliberating its standing committee's work reports, reports on the handling of proposals, and other reports; deliberating on and adopting resolutions; and participating in the discussion of important issues related to national and local affairs, and making suggestions and criticisms. (Article 55 of CPPCC Charter, Annex 4).

D. Nature of the Federation of Industry and Commerce

18. The Federation of Industry and Commerce is a unit of multi-party cooperation and political consultation under the leadership of the Communist Party, a people's organization and chamber of commerce under the leadership of the Communist Party, a bridge and link between the

Party and the government to people in the non-public sector of the economy, and an assistant to the government in managing and serving the non-public sector of the economy (General Provisions of the Charter of the China Federation of Industry and Commerce¹, **Annex 5**).

E. Baohua Chen's Documents Concern Matters of National Security and Interest and State Secrets

19. Since his election as a deputy to the 13th NPC (March 2018 - March 2023) and a member of the 16th Standing Committee of the People's Congress of Linhai City (2017 - 2022), I was informed that Baohua Chen has actively contributed to the NPC and performed his duties. He has been exposed to various work agendas of the NPC and the Standing Committee of the People's Congress of Linhai City, proposals and opinions from other NPC deputies in various areas of national security and livelihood, drafts of government work reports, drafts of government financial plans, decisions on the appointment and dismissal of government personnel, and other types of important matters concerning China's national security and interests. According to Article 9 of State Secrets Law (**Annex 1**), such documents containing information related to the performance of his social duties shall be state secrets.

20. In addition, Mr. Chen's positions as standing members of the Taizhou CPPCC and Taizhou Federation of Industry and Commerce may also expose him to important issues of national and local affairs, including the major policies of the Party and the State and important issues in the political, economic and social life of the province, and important topics such as technology, talent recruitment, economic and trade cooperation in the economic development and construction of the province (Articles 7 and 11 of CPPCC Charter, **Annex 4**; website of Zhejiang Federation of

¹ Charter of the China Federation of Industry and Commerce, http://www.acfic.org.cn/gslgk_303/dbdh/yjdbdh_398/201212/t20121209_1746.html. Last accessed 13 May 2021.

Industry and Commerce², Annex 6). All such information is secret information that shall not be disclosed (Article 5 of Implementing Regulations of the Law of the People's Republic of China on Guarding State Secrets, Annex 7). The leakage of such information may damage the security and interests of China in the fields of politics, economy, national defense and diplomacy.

21. According to the severity of damage to national security and interests caused by the leakage of state secrets, state secrets are divided into top-secret, secret and confidential.

22. The legal consequences of leaking top-secret, secret and confidential state secrets are different in terms of the degree of punishment, with the lightest consequences of leaking confidential state secrets and the heaviest consequences of leaking the most confidential state secrets.

23. The “top-secret” information refers to vital state secrets, the leakage of which would cause extraordinarily serious damage to the national security and interests; “secret” information refers to important state secrets, the leakage of which would cause serious damage to the national security and interests; and “confidential” information refers to ordinary state secrets, the leakage of which would cause damage to the national security and interests (Article 10 of State Secrets Law, Annex 1).

24. In view of the content and nature of Baohua Chen’s custodial files, it is reasonable for him to know that there are contents related to national security and interests, and if he still provides his documents to foreign countries, he will commit the crime of stealing, secretly gathering, purchasing and illegally providing state secrets for foreign entities. (Articles 5 and 6 of the Supreme People’s Court's Interpretation on Several Issues Concerning the Application of Law

² Summary of Zhejiang Federation of Industry and Commerce, <http://www.zjfic.org.cn/col/col1620078/index.html>. Last accessed 13 May 2021.

in the Trial of Cases of Stealing, Secretly Gathering, Purchasing and Illegally Providing State Secrets or Intelligence for Foreign entities, “**SPC Interpretation**”, **Annex 8**, Article 111 of the Criminal Law of the People’s Republic of China, “**Criminal Law**”, **Annex 9**).

25. We are of the firm view that the production of Boahua Chen’s custodial information in a U.S. legal proceeding would risk revealing state secrets and violate PRC law, which, as set forth below, would have serious consequences and liabilities for Baohua Chen under PRC law.

F. The Leakage of State Secrets would Impose Serious Criminal or Administrative Liability on Baohua Chen

26. Leakage of state secrets would violate the Criminal Law (**Annex 9**) and State Secrets Law (**Annex 1**), and could result in more than ten years of fixed-term imprisonment or life imprisonment if the circumstances are particularly serious.

27. Article 111 of Criminal Law (**Annex 9**) stipulates that, “[w]hoever steals, secretly gathers, purchases, or illegally provides state secrets or intelligence for an organization, institution, or personnel outside the country is to be sentenced from not less than five years to not more than 10 years of fixed-term imprisonment; when circumstances are particularly serious, he is to be sentenced to not less than 10 years of fixed-term imprisonment, or life sentence; and when circumstances are relatively minor, he is to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights.”

28. Article 2 of SPC Interpretation (**Annex 8**) stipulates that, “[w]hoever steals, spies into, buys or unlawfully supplies State secrets or intelligence for entities outside the territory of China and is under any one of following circumstances shall constitute the ‘especially serious circumstance’ and shall be sentenced to fixed-term imprisonment of more than ten years or life imprisonment and his or her properties may also be confiscated simultaneously:

- 1. Stealing, spying, buying or unlawfully supplying strictly-confidential-level state secret(s) for entities outside the territory of China;*
- 2. Stealing, spying, buying or unlawfully supplying more than three items of confidential-level state secrets for entities outside the territory of China;*
- 3. Stealing, spying, buying or unlawfully supplying state secrets or intelligence for entities outside the territory of China and causing other extremely severe harm to the national security and interests.*

Whoever implementing above mentioned acts, causing extremely severe harm to the nation and the civilians, and constituting extremely abominable circumstance may be sentenced to death and his or her properties shall be confiscated. ”

29. Article 3 of SPC Interpretation (**Annex 8**) stipulates that, “[w]hoever steals, spies into, buys or unlawfully supplies State secrets or intelligence for entities outside the territory of China and is under any one of following circumstances shall be sentenced to fixed-term imprisonment of more than five years but less than ten years and his or her properties may also be confiscated simultaneously:

- 1. Stealing, spying, buying or unlawfully supplying confidential-level state secret(s) for entities outside the territory of China;*
- 2. Stealing, spying, buying or unlawfully supplying more than three items of secret-level state secrets for entities outside the territory of China;*
- 3. Stealing, spying, buying or unlawfully supplying state secrets or intelligence for entities outside the territory of China and causing other serious damage to the national security and interests.*

30. Article 4 of SPC Interpretation (Annex 9) stipulates that, “[w]hoever steals, spies into, buys or unlawfully supplies secret-level state secrets or intelligence for entities outside the territory of China and constitutes the “comparatively slight circumstance” shall be sentenced to fixed term imprisonment of less than five years, criminal detention, public surveillance or deprivation of political rights, and his or her properties may also be confiscated simultaneously.”

31. Article 398 of the Criminal Law (Annex 9) stipulates that, “[s]tate personnel who violate the stipulations of State Secrets Law and intentionally or negligently reveal state secrets, and when the circumstances are serious, shall be sentenced to not more than three years of fixed term imprisonment or limited incarceration; and when the circumstances are exceptionally serious, not less than three years and not more than seven years of fixed term imprisonment. Non-state personnel who commit the crime mentioned in the preceding paragraph shall be punished in consideration of the circumstances and in accordance with the stipulations of the preceding paragraph.”

32. Article 48 of State Secrets Law (Annex 1) stipulates that, “[w]hoever commits any of the following conduct in violation of this Law shall be subject to a disciplinary action; and if a crime is constituted, be subject to criminal liability:


1. Illegally acquiring or holding any state secret carrier;
2. Purchasing, selling, transferring or privately destroying any state secret carrier;
3. Transmitting any state secret carrier via ordinary mail, express mail or any other channel without secrecy safeguards;
4. Sending any state secret carrier out of this country by mail or consignment or carrying or transmitting any state secret carrier out of this country without the approval of the relevant competent authorities;
5. Illegally reproducing, recording or storing any state secret;
6. Referring to any state secret in private contact or correspondence;

7. *Transmitting any state secret on the Internet or any other public information network or in any wire or radio communication without secrecy safeguards;*
8. *Connecting any secret-related computer or storage device to the Internet or any other public information network;*
9. *Exchanging message between a secret-related information system and the Internet or any other public information network without taking any safeguard measures;*
10. *Storing or processing state secret information by using any computer or storage device which is not a secret-related computer or storage device;*
11. *Uninstalling or modifying the safety technique program or management program of a secret-related information system without permission; or*
12. *Presenting, selling, abandoning or using for any other purpose any secret-related computer or storage device which has ceased to be used but not undergone treatment by security techniques.*

If any of the above-mentioned conduct committed by a person does not constitute a crime and disciplinary actions are not applicable to him, the secrecy administrative department shall urge the organ or entity where he works to properly deal with him.”

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES THAT TO THE BEST OF MY KNOWLEDGE THE FOREGOING IS TRUE AND CORRECT.

Executed on May 14, 2021 in Beijing, China.



Yang Xueyu, Declarant

Law of the People's Republic of China on Guarding State Secrets (2010 Revision) 中华人民共和国保守国家秘密法(2010 修订)

Order of the President of the People's Republic of China

中华人民共和国主席令

(No.28)

(第 28 号)

The Law of the People's Republic of China on Guarding State Secrets, as amended, was adopted at the 14th meeting of the Standing Committee of the 11th National People's Congress of the People's Republic of China on April 29, 2010, is hereby promulgated, and shall come into force on October 1, 2010.

《中华人民共和国保守国家秘密法》已由中华人民共和国第十一届全国人民代表大会常务委员会第十四次会议于 2010 年 4 月 29 日修订通过，现将修订后的《中华人民共和国保守国家秘密法》公布，自 2010 年 10 月 1 日起施行。

Hu Jintao, President of the People's Republic of China

中华人民共和国主席 胡锦涛

April 29, 2010

2010 年 4 月 29 日

Law of the People's Republic of China on Guarding State Secrets

中华人民共和国保守国家秘密法

(Adopted at the 3rd meeting of the Standing Committee of the 7th National People's Congress on September 5, 1988 and amended at the 14th meeting of the Standing Committee of the 11th National People's Congress of the People's Republic of China on April 29, 2010)

(1988 年 9 月 5 日第七届全国人民代表大会第三次会议通过
2010 年 4 月 29 日第十一届全国人民代表大会常务委员会第十四次会议修订)

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Chapter I General Provisions

第一章 总则

Article 1 This Law is formulated to guard state secrets, protect the national security

第一条 为了保守国家秘密，维护国

and interests and guarantee the smooth implementation of reform, opening up and socialist construction.

Article 2 State secrets refer to matters which relate to the national security and interests as determined under statutory procedures and to which access is vested in a limited scope of persons during a given period of time.

Article 3 State secrets shall be protected by law.

All state organs, armed forces, political parties, social organizations, enterprises, public institutions and citizens shall have the obligation of guarding state secrets.

Any conduct endangering the safety of state secrets must be subject to legal liability.

Article 4 The work of guarding state secrets (hereinafter referred to as the “secrecy work”) shall be carried out under the guideline of “actively preventing leakage, giving prominence to key matters and managing state secrets according to law”, so that state secrets are kept safe while information resources are reasonably utilized.

Matters that shall be disclosed as required by laws and administrative regulations shall be disclosed according to law.

Article 5 The state secrecy administrative department shall be responsible for the secrecy work throughout the country. The local secrecy administrative departments at and above the county level shall be responsible for the secrecy work within their respective administrative regions.

Article 6 A state organ or an entity involved in any state secret (hereinafter referred to as “organ or entity”) shall administer the secrecy work of the organ or entity.

A central state organ shall, within its functions, administer or guide the secrecy work within its system.

Article 7 An organ or entity shall apply a responsibility system for its secrecy work, establish complete secrecy management rules, improve its secrecy measures, carry out publicity and education on secrecy, and strengthen secrecy inspection.

Article 8 The state shall reward entities or individuals which have made extraordinary contributions to guarding or protecting state secrets as well as improving secrecy

家安全和利益，保障改革开放和社会主义建设事业的顺利进行，制定本法。

第二条 国家秘密是关系国家安全和利益，依照法定程序确定，在一定时间内只限一定范围的人员知悉的事项。

第三条 国家秘密受法律保护。

一切国家机关、武装力量、政党、社会团体、企业事业单位和公民都有保守国家秘密的义务。

任何危害国家秘密安全的行为，都必须受到法律追究。

第四条 保守国家秘密的工作（以下简称保密工作），实行积极防范、突出重点、依法管理的方针，既确保国家秘密安全，又便利信息资源合理利用。

法律、行政法规规定公开的事项，应当依法公开。

第五条 国家保密行政管理部门主管全国的保密工作。县级以上地方各级保密行政管理部门主管本行政区域的保密工作。

第六条 国家机关和涉及国家秘密的单位（以下简称机关、单位）管理本机关和本单位的保密工作。

中央国家机关在其职权范围内，管理或者指导本系统的保密工作。

第七条 机关、单位应当实行保密工作责任制，健全保密管理制度，完善保密防护措施，开展保密宣传教育，加强保密检查。

第八条 国家对在保守、保护国家秘密以及改进保密技术、措施等方面成

techniques, measures, etc.

绩显著的单位或者个人给予奖励。

Chapter II Scope and Classification of State Secrets

第二章 国家秘密的范围和密级

Article 9 The following matters which relate to the national security and interests and the leakage of which may damage the national security and interests in the field of politics, economy, national defense, foreign affairs, etc. shall be determined as state secrets:

第九条 下列涉及国家安全和利益的事项，泄露后可能损害国家在政治、经济、国防、外交等领域的安全和利益的，应当确定为国家秘密：

1. Classified matters involved in the key policy decisions on state affairs;
2. Classified matters involved in the national defense construction and armed force activities;
3. Classified matters involved in the diplomatic and foreign affair activities and classified matters involved in the state's international obligation of secrecy;
4. Classified matters involved in the national economic and social development;
5. Classified matters involved in science and technology;
6. Classified matters involved in the activities of maintaining national security and investigating criminal offences; and
7. Others classified matters as determined by the state secrecy administrative department.

（一）国家事务重大决策中的秘密事项；

（二）国防建设和武装力量活动中的秘密事项；

（三）外交和外事活动中的秘密事项以及对外承担保密义务的秘密事项；

（四）国民经济和社会发展中的秘密事项；

（五）科学技术中的秘密事项；

（六）维护国家安全活动和追查刑事犯罪中的秘密事项；

（七）经国家保密行政管理部门确定的其他秘密事项。

A political party's classified matters which conform to the provisions of the preceding paragraph shall be state secrets.

政党的秘密事项中符合前款规定的，属于国家秘密。

Article 10 State secrets shall be classified into three levels: top-secret, secret and confidential.

第十条 国家秘密的密级分为绝密、机密、秘密三级。

State secrets at the top-secret level are the most important state secrets, the leakage of which would cause extraordinarily serious damage to the national security and interests; state secrets at the secret level are important state secrets, the leakage of which would cause serious damage to the national security and interests; state secrets at the confidential level are ordinary state secrets, the leakage of which would cause damage to the national security and interests.

绝密级国家秘密是最重要的国家秘密，泄露会使国家安全和利益遭受特别严重的损害；机密级国家秘密是重要的国家秘密，泄露会使国家安全和利益遭受严重的损害；秘密级国家秘密是一般的国家秘密，泄露会使国家安全和利益遭受损害。

Article 11 The specific scope of state secrets and scope of each classification level shall be determined by the state secrecy administrative department respectively with the foreign affairs department, the public security department, the national security department and other relevant central organs.

第十一条 国家秘密及其密级的具体范围，由国家保密行政管理部门分别会同外交、公安、国家安全和其他中央有关机关规定。

The scope of state secrets in the military field and the scope of each classification level shall be determined by the Central Military Commission.

军事方面的国家秘密及其密级的具体范围，由中央军事委员会规定。

Provisions on the specific scope of state secrets and scope of each classification level shall be published within a certain range and adjusted in light of changes of situations.

国家秘密及其密级的具体范围的规定，应当在有关范围内公布，并根据情况变化及时调整。

Article 12 The person in charge of an organ or entity or any person designated by him shall be the state secret decider responsible for the determination, change and declassification of state secrets of the organ or entity.

第十二条 机关、单位负责人及其指定的人员为定密责任人，负责本机关、本单位的国家秘密确定、变更和解除工作。

To determine, change or declassify a state secret of an organ or entity, the handling person shall put forward a specific proposal subject to the examination and approval of the state secret decider.

机关、单位确定、变更和解除本机关、本单位的国家秘密，应当由承办人提出具体意见，经定密责任人审核批准。

Article 13 The classification levels of state secrets shall be determined within the powers to determine state secrets.

第十三条 确定国家秘密的密级，应当遵守定密权限。

Central state organs, provincial organs and organs or entities authorized by them shall have the powers to determine state secrets at the top-secret level, the secret level and the confidential level. Organs of districted cities and autonomous prefectures and organs or entities authorized by them shall have the powers to determine state secrets at the secret level and the confidential level. The specific powers to determine state secrets and scope of authorization shall be prescribed by the state secrecy administrative department.

中央国家机关、省级机关及其授权的机关、单位可以确定绝密级、机密级和秘密级国家秘密；设区的市、自治州一级的机关及其授权的机关、单位可以确定机密级和秘密级国家秘密。具体的定密权限、授权范围由国家保密行政管理部门规定。

Where an organ or entity executes a state secret determined by its superior and needs to classify the state secret, it shall follow the classification level of the executed state secret. Where an organ or entity considers that the determination of classification level of a state secret which arises in the organ or entity is within the powers of its superior, it shall take secrecy measures in advance and report it immediately to the superior for determination. If it has no superior, it shall immediately apply to the competent business department or secrecy administrative department which has the corresponding determination powers.

机关、单位执行上级确定的国家秘密事项，需要定密的，根据所执行的国家秘密事项的密级确定。下级机关、单位认为本机关、本单位产生的有关定密事项属于上级机关、单位的定密权限，应当先行采取保密措施，并立即报请上级机关、单位确定；没有上级机关、单位的，应当立即提请有相应定密权限的业务主管部门或者保密行政管理部门确定。

The public security and national security organs shall, within their respective scopes of work, determine the classification levels of state secrets within the prescribed powers.

公安、国家安全机关在其工作范围内按照规定的权限确定国家秘密的密级。

Article 14 An organ or entity shall determine the classification level of a state secret arising in the organ or entity pursuant to the provisions on the specific scope of state secrets and scopes of classification levels, as well as the secrecy period and access scope.

Article 15 The secrecy period of a state secret shall be a necessary period of time set according to the nature and characteristics of the matter and the needs for maintaining the national security and interests. Where it is impossible to determine the secrecy period, the conditions for declassification shall be determined.

Unless it is otherwise provided for, the secrecy period of a state secret shall not exceed 30 years at the top-secret level, 20 years at the secret level or 10 years at the confidential level.

Organs and entities shall determine the specific secrecy period, declassification time or declassification conditions according to their respective work needs.

Where an organ or entity, for its work needs, decides to disclose a matter which has been determined as a classified matter in the process of deciding or handling the relevant matters, the matter shall be deemed declassified once it is officially disclosed.

Article 16 The access scope of a state secret shall be minimized according to the work needs.

When possible, the access to a state secret shall be granted to specific persons; otherwise, shall be granted to specific organs or entities which specify the persons to have access thereto.

Where any person outside the access scope of a state secret needs to have access to the state secret due to his work, his access shall be subject to the approval of the person in charge of the relevant organ or entity.

Article 17 Organs and entities shall put a state secret label on the paper, optic, electromagnetic and other media carrying state secrets (hereinafter referred to as "state secret carriers") as well as equipment and products which are state secrets.

Those not being state secrets shall not be labeled state secrets.

第十四条 机关、单位对所产生的国家秘密事项，应当按照国家秘密及其密级的具体范围的规定确定密级，同时确定保密期限和知悉范围。

第十五条 国家秘密的保密期限，应当根据事项的性质和特点，按照维护国家安全和利益的需要，限定在必要的期限内；不能确定期限的，应当确定解密的条件。

国家秘密的保密期限，除另有规定外，绝密级不超过三十年，机密级不超过二十年，秘密级不超过十年。

机关、单位应当根据工作需要，确定具体的保密期限、解密时间或者解密条件。

机关、单位对在决定和处理有关事项工作过程中确定需要保密的事项，根据工作需要决定公开的，正式公布时即视为解密。

第十六条 国家秘密的知悉范围，应当根据工作需要限定在最小范围。

国家秘密的知悉范围能够限定到具体人员的，限定到具体人员；不能限定到具体人员的，限定到机关、单位，由机关、单位限定到具体人员。

国家秘密的知悉范围以外的人员，因工作需要知悉国家秘密的，应当经过机关、单位负责人批准。

第十七条 机关、单位对承载国家秘密的纸介质、光介质、电磁介质等载体（以下简称国家秘密载体）以及属于国家秘密的设备、产品，应当做出国家秘密标志。

不属于国家秘密的，不应当做出国家

Article 18 The classification levels, secrecy periods and access scopes of state secrets shall be timely modified in light of changes of situations. The modification of the classification level, secrecy period and access scope of a state secret shall be decided by the organ or entity which originally determined the state secret or by its superior.

Where any modification is made to the classification level, secrecy period or access scope of a state secret, a written notice shall be given to the organs, entities or persons within the access scope in a timely manner.

Article 19 A state secret shall be automatically declassified at the expiry of its secrecy period.

Organs and entities shall examine the state secrets determined by them at regular intervals. A state secret shall be timely declassified if it is no longer treated as state secret due to adjustment of the scope of classified matters or it no longer needs to be kept secret as its disclosure would not damage the national security or interests. If it is necessary to extend the secrecy period of a state secret, its secrecy period shall be re-determined before the expiry of the original secrecy period. The early declassification or the extension of secrecy period of a state secret shall be decided by the organ or entity which originally determined the state secret or by its superior.

Article 20 Where any organ or entity is confused or raises any question about whether a matter is a state secret or at which classification level a state secret is, it shall be determined by the state secrecy administrative department or the secrecy administrative department of the relevant province, autonomous region or municipality directly under the Central Government.

Chapter III Secrecy Provisions

Article 21 The making, sending, receiving, delivery, use, reproduction, keeping, maintenance and destruction of state secret carriers shall be in conformity with the state secrecy provisions.

Carriers of state secrets at the top secret level shall be kept in the facilities or equipment which reaches the secrecy standards of the state, and special personnel shall be assigned to manage them. Without the approval of the original organ or entity which determined a state secret or its superior, no one shall copy or extract them.

秘密标志。

第十八条 国家秘密的密级、保密期限和知悉范围，应当根据情况变化及时变更。国家秘密的密级、保密期限和知悉范围的变更，由原定密机关、单位决定，也可以由其上级机关决定。

国家秘密的密级、保密期限和知悉范围变更的，应当及时书面通知知悉范围内的机关、单位或者人员。

第十九条 国家秘密的保密期限已满的，自行解密。

机关、单位应当定期审核所确定的国家秘密。对在保密期限内因保密事项范围调整不再作为国家秘密事项，或者公开后不会损害国家安全和利益，不需要继续保密的，应当及时解密；对需要延长保密期限的，应当在原保密期限届满前重新确定保密期限。提前解密或者延长保密期限的，由原定密机关、单位决定，也可以由其上级机关决定。

第二十条 机关、单位对是否属于国家秘密或者属于何种密级不明确或者有争议的，由国家保密行政管理部门或者省、自治区、直辖市保密行政管理部门确定。

第三章 保密制度

第二十一条 国家秘密载体的制作、收发、传递、使用、复制、保存、维修和销毁，应当符合国家保密规定。

绝密级国家秘密载体应当在符合国家保密标准的设施、设备中保存，并指定专人管理；未经原定密机关、单位或者其上级机关批准，不得复制和摘

Special personnel shall be assigned to be responsible for the sending, receiving, delivery and carrying of such carriers, and necessary security measures shall be taken.

Article 22 The research, development, production, transport, use, keeping, maintenance and destruction of equipment and products which are state secrets shall be in conformity with the state secrecy provisions.

Article 23 Computer information systems used to store and process state secrets (hereinafter referred to as "secret-related information systems") shall be protected at different grades based on the degree of involvement with state secrets.

Secrecy facilities and equipment shall be provided for a secret-related information system according to the state secrecy standards. Secrecy facilities and equipment shall be planned, constructed and put to use simultaneously with the secret-related information system.

A secret-related information system may be put to use only after it has passed the prescribed inspection.

Article 24 Organs and entities shall strengthen the management of secret-related information systems, and no organization or individual shall:

1. Connect any secret-related computer or storage device to the Internet or any other public information network;
2. Exchange message between a secret-related information system and the Internet or any other public information network without taking any protective measures;
3. Store or process state secret information by using any computer or storage device which is not a secret-related computer or storage device;
4. Uninstall or modify the security technique program or management program of a secret-related information system without permission; or
5. Present, sell, abandon or use for any other purpose any secret-related computer or storage device which has ceased to be used but not undergone treatment by security techniques.

Article 25 Organs and entities shall strengthen the management of state secret carriers, and no organization or individual shall:

1. Illegally acquire or hold any state secret carrier;

抄;收发、传递和外出携带,应当指定人员负责,并采取必要的安全措施。

第二十二条 属于国家秘密的设备、产品的研制、生产、运输、使用、保存、维修和销毁,应当符合国家保密规定。

第二十三条 存储、处理国家秘密的计算机信息系统(以下简称涉密信息系统)按照涉密程度实行分级保护。

涉密信息系统应当按照国家保密标准配备保密设施、设备。保密设施、设备应当与涉密信息系统同步规划,同步建设,同步运行。

涉密信息系统应当按照规定,经检查合格后,方可投入使用。

第二十四条 机关、单位应当加强对涉密信息系统的管理,任何组织和个人不得有下列行为:

- (一) 将涉密计算机、涉密存储设备接入互联网及其他公共信息网络;
- (二) 在未采取防护措施的情况下,在涉密信息系统与互联网及其他公共信息网络之间进行信息交换;
- (三) 使用非涉密计算机、非涉密存储设备存储、处理国家秘密信息;
- (四) 擅自卸载、修改涉密信息系统的安全技术程序、管理程序;
- (五) 将未经安全技术处理的退出使用的涉密计算机、涉密存储设备赠送、出售、丢弃或者改作其他用途。

第二十五条 机关、单位应当加强对国家秘密载体的管理,任何组织和个人不得有下列行为:

- (一) 非法获取、持有国家秘密载体;

2. Purchase, sell, transfer or privately destroy any state secret carrier;

(二) 买卖、转送或者私自销毁国家秘密载体;

3. Transmit any state secret carrier by ordinary mail, express mail or any other channel without secrecy safeguards;

(三) 通过普通邮政、快递等无保密措施的渠道传递国家秘密载体;

4. Send any state secret carrier out of this country by mail or consignment; or

(四) 邮寄、托运国家秘密载体出境;

5. Carry or transmit any state secret carrier out of this country without the approval of the relevant competent authorities.

(五) 未经有关主管部门批准, 携带、传递国家秘密载体出境。

Article 26 It shall be prohibited to illegally reproduce, record or store any state secret.

第二十六条 禁止非法复制、记录、存储国家秘密。

It shall be prohibited to transmit any state secret on the Internet or any other public information network or in any wire or radio communication without secrecy safeguards.

禁止在互联网及其他公共信息网络或者未采取保密措施的有线和无线通信中传递国家秘密。

It shall be prohibited to refer to any state secret in private contact or correspondence.

禁止在私人交往和通信中涉及国家秘密。

Article 27 The relevant secrecy provisions shall be observed in the editing, publication, printing and issuance of newspapers, periodicals, books, audio and video recordings and electronic publications, in the making and broadcasting of radio programs, TV programs and films, and in the editing and publication of information on the Internet, mobile communication network or any other public information network or medium.

第二十七条 报刊、图书、音像制品、电子出版物的编辑、出版、印制、发行, 广播节目、电视节目、电影的制作和播放, 互联网、移动通信网等公共信息网络及其他传媒的信息编辑、发布, 应当遵守有关保密规定。

Article 28 Operators and service providers of the Internet or any other public information network shall cooperate with the public security organs, the national security organs and the procuratorial organs in the investigation of secret leakage cases. Where any operator or service provider finds that any information disclosed via the Internet or any other public information network involves any state secret, it shall immediately stop transmitting it, keep the relevant records, and report to the public security organ, national security organ or secrecy administrative department. Operators and service providers shall delete information which involves state secrets as required by the public security organs, the national security organs or the secrecy administrative departments.

第二十八条 互联网及其他公共信息网络运营商、服务商应当配合公安机关、国家安全机关、检察机关对泄密案件进行调查; 发现利用互联网及其他公共信息网络发布的信息涉及泄露国家秘密的, 应当立即停止传输, 保存有关记录, 向公安机关、国家安全机关或者保密行政管理部门报告; 应当根据公安机关、国家安全机关或者保密行政管理部门的要求, 删除涉及泄露国家秘密的信息。

Article 29 Organs and entities shall observe the secrecy provisions when disclosing information to the public or conducting procurement for projects, goods or services which involve state secrets.

第二十九条 机关、单位公开发布信息以及对涉及国家秘密的工程、货物、服务进行采购时, 应当遵守保密规定。

Article 30 Where an organ or entity needs to provide any state secret in foreign contact or cooperation or any overseas person appointed or employed by an organ or entity

第三十条 机关、单位对外交往与合作中需要提供国家秘密事项, 或者任

needs to have access to any state secret due to his work, the organ or entity shall report to the competent department of the State Council or the people's government of the relevant province, autonomous region or municipality directly under the Central Government for approval, and enter into a secrecy agreement with the other party.

Article 31 The sponsor of a meeting or any other activity which involves any state secret shall take secrecy measures, provide secrecy education to attendees and specify the secrecy requirements.

Article 32 Organs and entities shall determine their institutions involving state secrets at the top secret level or a relatively large amount of state secrets at the secret or confidential level as vital institutions in the secrecy work, determine their places exclusively used for producing, storing and keeping state secret carriers as vital places in the secrecy work, and arrange and use necessary technical protection facilities and equipment according to the state secrecy provisions and standards.

Article 33 For forbidden military zones and other sites or positions which are state secrets and not open to the public, secrecy measures shall be taken, and no one shall decide to open them to the public or widen the area open to the public without the approval of the relevant authorities.

Article 34 Enterprises or public institutions engaging in the production, reproduction, maintenance or destruction of state secret carriers, the integration of secret-related information systems, the scientific research or manufacturing of weaponry or any other business involving state secrets shall be subject to secrecy vetting. The specific measures shall be formulated by the State Council.

An organ or entity which entrusts any of the above-mentioned businesses to an enterprise or a public institution shall enter into a secrecy agreement with the latter, clarify the secrecy requirements and take secrecy measures.

Article 35 Personnel who work at posts involving state secrets (hereinafter referred to as secret-related personnel) shall be divided into core, important and ordinary secret-related personnel according to the degree of involvement in state secrets, and be subject to categorized management.

Vetting shall be made pursuant to the relevant provisions before appointing or employing secret-related personnel.

Secret-related personnel shall have a good political quality, good characters and the working competency required by their secret-related posts.

用、聘用的境外人员因工作需要知悉国家秘密的，应当报国务院有关主管部门或者省、自治区、直辖市人民政府有关主管部门批准，并与对方签订保密协议。

第三十一条 举办会议或者其他活动涉及国家秘密的，主办单位应当采取保密措施，并对参加人员进行保密教育，提出具体保密要求。

第三十二条 机关、单位应当将涉及绝密级或者较多机密级、秘密级国家秘密的机构确定为保密要害部门，将集中制作、存放、保管国家秘密载体的专门场所确定为保密要害部位，按照国家保密规定和标准配备、使用必要的技术防护设施、设备。

第三十三条 军事禁区 and 属于国家秘密不对外开放的其他场所、部位，应当采取保密措施，未经有关部门批准，不得擅自决定对外开放或者扩大开放范围。

第三十四条 从事国家秘密载体制作、复制、维修、销毁，涉密信息系统集成，或者武器装备科研生产等涉及国家秘密业务的企业事业单位，应当经过保密审查，具体办法由国务院规定。

机关、单位委托企业事业单位从事前款规定的业务，应当与其签订保密协议，提出保密要求，采取保密措施。

第三十五条 在涉密岗位工作的人员（以下简称涉密人员），按照涉密程度分为核心涉密人员、重要涉密人员和一般涉密人员，实行分类管理。

任用、聘用涉密人员应当按照有关规定进行审查。

涉密人员应当具有良好的政治素质和品行，具有胜任涉密岗位所要求的工

作能力。

The legitimate rights and interests of secret-related personnel shall be protected by law.

涉密人员的合法权益受法律保护。

Article 36 Secret-related personnel shall receive secrecy education and training before taking posts, have secrecy knowledge and skills, sign a secrecy commitment statement, strictly abide by the secrecy rules and regulations, and never divulge state secrets in any way.

第三十六条 涉密人员上岗应当经过保密教育培训，掌握保密知识技能，签订保密承诺书，严格遵守保密规章制度，不得以任何方式泄露国家秘密。

Article 37 Secret-related personnel to leave this country shall apply to the relevant authorities for approval. Where the relevant authority believes that such a person's leaving this country would endanger the national security or cause material losses to the national interests, it shall not approve his application for leaving the country.

第三十七条 涉密人员出境应当经有关部门批准，有关机关认为涉密人员出境将对国家安全造成危害或者对国家利益造成重大损失的，不得批准出境。

Article 38 Secret-related personnel shall be deprived of access to state secrets for a period of time before leaving his post or quitting his job. During that period, secret-related personnel shall perform the secrecy obligation according to the relevant provisions, and shall not violate employment provisions or divulge state secrets in any way.

第三十八条 涉密人员离岗离职实行脱密期管理。涉密人员在脱密期内，应当按照规定履行保密义务，不得违反规定就业，不得以任何方式泄露国家秘密。

Article 39 Organs and entities shall establish sound management rules for secret-related personnel, clarify their rights and post duties and requirements, and conduct routine supervision and inspection on their performance of duties.

第三十九条 机关、单位应当建立健全涉密人员管理制度，明确涉密人员的权利、岗位责任和要求，对涉密人员履行职责情况开展经常性的监督检查。

Article 40 Where a state functionary or any other citizen finds that a state secret has been or may be divulged, he shall immediately take repair measures and report to the relevant organ or entity. The organ or entity shall, immediately after receiving the report, handle the situation and report to the secrecy administrative department.

第四十条 国家工作人员或者其他公民发现国家秘密已经泄露或者可能泄露时，应当立即采取补救措施并及时报告有关机关、单位。机关、单位接到报告后，应当立即作出处理，并及时向保密行政管理部门报告。

Chapter IV Supervision and Administration

第四章 监督管理

Article 41 The state secrecy administrative department shall make secrecy rules and national secrecy standards pursuant to laws and administrative regulations.

第四十一条 国家保密行政管理部门依照法律、行政法规的规定，制定保密规章和国家保密标准。

Article 42 The secrecy administrative departments shall organize and carry out secrecy publicity and education, secrecy inspection, secrecy technique protection, investigation of secret leakage cases and other work according to law, and guide and supervise the secrecy work of organs and entities.

第四十二条 保密行政管理部门依法组织开展保密宣传教育、保密检查、保密技术防护和泄密案件查处工作，对机关、单位的保密工作进行指导和监督。

Article 43 Where a secrecy administrative department finds that any state secret is inappropriately determined, modified or declassified, it shall timely notify the relevant organ or entity to correct.

Article 44 When a secrecy administrative department conducts an inspection on an organ's or entity's compliance with the secrecy provisions, the organ or entity shall cooperate. If the secrecy administrative department finds that the organ or entity has any hidden risk of leakage of state secrets, it shall require the organ or entity to take measures and make rectification within a certain time limit, and order the organ or entity to stop using the facility, equipment or place with a hidden risk of leakage of state secrets. The secrecy administrative department shall suggest that the relevant organ or entity take disciplinary actions against secret-related personnel who have seriously violated the secrecy provisions and remove them from the secret-related posts. If leakage of any state secret is suspected, the secrecy administrative department shall urge and direct the relevant organ or entity to investigate and handle it. If anyone is suspected of a crime, the secrecy administrative department shall transfer the case to the judicial organ.

Article 45 The secrecy administrative departments shall capture the illegally acquired or held state secret carriers found in secrecy inspections.

Article 46 Where an organ handling a state secret leakage case needs to identify whether the matter in question is a state secret and the classification level, the identification shall be conducted by the state secrecy administrative department or the secrecy administrative department of the relevant province, autonomous region or municipality directly under the Central Government.

Article 47 Where an organ or entity fails to take disciplinary actions against its personnel violating the secrecy provisions, the secrecy administrative department shall suggest that the organ or entity make a correction. If the organ or entity refuses to correct, the secrecy administrative department shall request its immediate superior or the supervisory organ to deal with the responsible leaders and directly liable persons of the organ or entity according to law.

Chapter V Legal Liability

Article 48 Whoever commits any of the following conduct in violation of this Law shall be subject to a disciplinary action; and if a crime is constituted, be subject to criminal liability:

1. Illegally acquiring or holding any state secret carrier;

第四十三条 保密行政管理部门发现国家秘密确定、变更或者解除不当的，应当及时通知有关机关、单位予以纠正。

第四十四条 保密行政管理部门对机关、单位遵守保密制度的情况进行检查，有关机关、单位应当配合。保密行政管理部门发现机关、单位存在泄密隐患的，应当要求其采取措施，限期整改；对存在泄密隐患的设施、设备、场所，应当责令停止使用；对严重违反保密规定的涉密人员，应当建议有关机关、单位给予处分并调离涉密岗位；发现涉嫌泄露国家秘密的，应当督促、指导有关机关、单位进行调查处理。涉嫌犯罪的，移送司法机关处理。

第四十五条 保密行政管理部门对保密检查中发现的非法获取、持有的国家秘密载体，应当予以收缴。

第四十六条 办理涉嫌泄露国家秘密案件的机关，需要对有关事项是否属于国家秘密以及属于何种密级进行鉴定的，由国家保密行政管理部门或者省、自治区、直辖市保密行政管理部门鉴定。

第四十七条 机关、单位对违反保密规定的人员不依法给予处分的，保密行政管理部门应当建议纠正，对拒不纠正的，提请其上一级机关或者监察机关对该机关、单位负有责任的领导人员和直接责任人员依法予以处理。

第五章 法律责任

第四十八条 违反本法规定，有下列行为之一的，依法给予处分；构成犯罪的，依法追究刑事责任：

（一）非法获取、持有国家秘密载体的；

2. Purchasing, selling, transferring or privately destroying any state secret carrier; (二) 买卖、转送或者私自销毁国家秘密载体的;
3. Transmitting any state secret carrier via ordinary mail, express mail or any other channel without secrecy safeguards; (三) 通过普通邮政、快递等无保密措施的渠道传递国家秘密载体的;
4. Sending any state secret carrier out of this country by mail or consignment or carrying or transmitting any state secret carrier out of this country without the approval of the relevant competent authorities; (四) 邮寄、托运国家秘密载体出境, 或者未经有关主管部门批准, 携带、传递国家秘密载体出境的;
5. Illegally reproducing, recording or storing any state secret; (五) 非法复制、记录、存储国家秘密的;
6. Referring to any state secret in private contact or correspondence; (六) 在私人交往和通信中涉及国家秘密的;
7. Transmitting any state secret on the Internet or any other public information network or in any wire or radio communication without secrecy safeguards; (七) 在互联网及其他公共信息网络或者未采取保密措施的有线和无线通信中传递国家秘密的;
8. Connecting any secret-related computer or storage device to the Internet or any other public information network; (八) 将涉密计算机、涉密存储设备接入互联网及其他公共信息网络的;
9. Exchanging message between a secret-related information system and the Internet or any other public information network without taking any safeguard measures; (九) 在未采取防护措施的情况下, 在涉密信息系统与互联网及其他公共信息网络之间进行信息交换的;
10. Storing or processing state secret information by using any computer or storage device which is not a secret-related computer or storage device; (十) 使用非涉密计算机、非涉密存储设备存储、处理国家秘密信息的;
11. Uninstalling or modifying the safety technique program or management program of a secret-related information system without permission; or (十一) 擅自卸载、修改涉密信息系统的安全技术程序、管理程序的;
12. Presenting, selling, abandoning or using for any other purpose any secret-related computer or storage device which has ceased to be used but not undergone treatment by security techniques. (十二) 将未经安全技术处理的退出使用的涉密计算机、涉密存储设备赠送、出售、丢弃或者改作其他用途的。

If any of the above-mentioned conduct committed by a person does not constitute a crime and disciplinary actions are not applicable to him, the secrecy administrative department shall urge the organ or entity where he works to properly deal with him.

有前款行为尚不构成犯罪, 且不适用处分的人员, 由保密行政管理部门督促其所在机关、单位予以处理。

Article 49 Where any serious secret leakage case occurs in an organ or entity violating this Law, it shall take disciplinary actions according to law against the directly liable person in charge and other directly liable persons. For persons to whom disciplinary actions are not applicable, the secrecy administrative department shall urge the competent department to deal with them.

第四十九条 机关、单位违反本法规定, 发生重大泄密案件的, 由有关机关、单位依法对直接负责的主管人员和其他直接责任人员给予处分; 不适用处分的人员, 由保密行政管理部门督促其主管部门予以处理。

Where, in violation of this Law, an organ or entity fails to determine a matter as a state secret which it shall determine as a state secret or determines a matter as a state secret which it shall not determine as a state secret, causing serious consequences, the organ or entity shall take disciplinary actions against the directly liable person in charge and other directly liable persons.

Article 50 Where any operator or service provider of the Internet or any other public information network violates Article 28 of this Law, the public security organ, the national security organ or the competent industry and information technology department shall impose punishment within its scope of functions.

Article 51 Where any staff member of a secrecy administrative department abuses his powers, neglects his duties, practices favoritism or makes falsehood in performing his secrecy administrative functions, he shall be subject to disciplinary actions; and if any crime is constituted, be subject to criminal liability.

Chapter VI Supplementary Provisions

Article 52 The Central Military Commission shall formulate the secrecy regulation of the Chinese People's Liberation Army according to this Law.

Article 53 This Law shall come into force on October 1, 2010.

机关、单位违反本法规定，对应当定密的事项不定密，或者对不当定密的事项定密，造成严重后果的，由有关机关、单位依法对直接负责的主管人员和其他直接责任人员给予处分。

第五十条 互联网及其他公共信息网络运营商、服务商违反本法第二十八条规定的，由公安机关或者国家安全机关、信息产业主管部门按照各自职责分工依法予以处罚。

第五十一条 保密行政管理部门的工作人员在履行保密管理职责中滥用职权、玩忽职守、徇私舞弊的，依法给予处分；构成犯罪的，依法追究刑事责任。

第六章 附则

第五十二条 中央军事委员会根据本法制定中国人民解放军保密条例。

第五十三条 本法自 2010 年 10 月 1 日起施行。

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中华人民共和国宪法

Constitution of the People's Republic of China

颁布机关: 全国人民代表大会
Promulgating Institution: National People's Congress

文 号: 全国人民代表大会公告第一号
Document Number: Announcement No. 1 of the National People's Congress of the People's Republic of China

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中华人民共和国全国人民代表大会公告 第一号

中华人民共和国宪法修正案已由中华人民共和国第十三届全国人民代表大会第一次会议于2018年3月11日通过，现予公布施行。

中华人民共和国第十三届全国人民代表大会第一次会议主席团
2018年3月11日于北京

Announcement No. 1 of the National People's Congress of the People's Republic of China

The Amendment to the Constitution of the People's Republic of China, which was adopted at the First Session of the 13th National People's Congress of the People's Republic of China on March 11, 2018, is hereby promulgated.

Presidium of the First Session of the 13th National People's Congress of the People's Republic of China

March 11, 2018 in Beijing

中华人民共和国宪法 **Constitution of the People's Republic of China**

(1982年12月4日第五届全国人民代表大会第五次会议通过1982年12月4日全国人民代表大会公告公布施行 根据1988年4月12日第七届全国人民代表大会第一次会议通过的《中华人民共和国宪法修正案》、1993年3月29日第八届全国人民代表大会第一次会议通过的《中华人民共和国宪法修正案》、1999年3月15日第九届全国人民代表大会第二次会议通过的《中华人民共和国宪法修正案》、2004年3月14日第十届全国人民代表大会第二次会议通过的《中华人民共和国宪法修正案》和2018年3月11日第十三届全国人民代表大会第一次会议通过的《中华人民共和国宪法修正案》修正)

(Adopted at the Fifth Session of the Fifth National People's Congress and promulgated for

implementation by the Announcement of the National People's Congress on December 4, 1982. Amended in accordance with the Amendments to the Constitution of the People's Republic of China adopted respectively at the First Session of the Seventh National People's Congress on April 12, 1988, the First Session of the Eighth National People's Congress on March 29, 1993, the Second Session of the Ninth National People's Congress on March 15, 1999, the Second Session of the Tenth National People's Congress on March 14, 2004 and the First Session of the 13th National People's Congress on March 11, 2018)

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序言

中国是世界上历史最悠久的国家之一。中国各族人民共同创造了光辉灿烂的文化，具有光荣的革命传统。

一八四〇年以后，封建的中国逐渐变成半殖民地、半封建的国家。中国人民为国家独立、民族解放和民主自由进行了前仆后继的英勇奋斗。

二十世纪，中国发生了翻天覆地的伟大历史变革。

一九一一年孙中山先生领导的辛亥革命，废除了封建帝制，创立了中华民国。但是，中国人民反对

帝国主义和封建主义的历史任务还没有完成。

一九四九年，以毛泽东主席为领袖的中国共产党领导中国各族人民，在经历了长期的艰难曲折的武装斗争和其他形式的斗争以后，终于推翻了帝国主义、封建主义和官僚资本主义的统治，取得了新民主主义革命的伟大胜利，建立了中华人民共和国。从此，中国人民掌握了国家的权力，成为国家的主人。

中华人民共和国成立以后，我国社会逐步实现了由新民主主义到社会主义的过渡。生产资料私有制的社会主义改造已经完成，人剥削人的制度已经消灭，社会主义制度已经确立。工人阶级领导的、以工农联盟为基础的人民民主专政，实质上即无产阶级专政，得到巩固和发展。中国人民和中国人民解放军战胜了帝国主义、霸权主义的侵略、破坏和武装挑衅，维护了国家的独立和安全，增强了国防。经济建设取得了重大的成就，独立的、比较完整的社会主义工业体系已经基本形成，农业生产显著提高。教育、科学、文化等事业有了很大的发展，社会主义思想教育取得了明显的成效。广大人民的生活有了较大的改善。

中国新民主主义革命的胜利和社会主义事业的成就，是中国共产党领导中国各族人民，在马克思列宁主义、毛泽东思想的指引下，坚持真理，修正错误，战胜许多艰难险阻而取得的。我国将长期处于社会主义初级阶段。国家的根本任务是，沿着中国特色社会主义道路，集中力量进行社会主义现代化建设。中国各族人民将继续在中国共产党领导下，在马克思列宁主义、毛泽东思想、邓小平理论、“三个代表”重要思想、科学发展观、习近平新时代中国特色社会主义思想指引下，坚持人民民主专政，坚持社会主义道路，坚持改革开放，不断完善社会主义的各项制度，发展社会主义市场经济，发展社会主义民主，健全社会主义法治，贯彻新发展理念，自力更生，艰苦奋斗，逐步实现工业、农业、国防和科学技术的现代化，推动物质文明、政治文明、精神文明、社会文明、生态文明协调发展，把我国建设成为富强民主文明和谐美丽的社会主义现代化强国，实现中华民族伟大复兴。

在我国，剥削阶级作为阶级已经消灭，但是阶级斗争还将在一定范围内长期存在。中国人民对敌视和破坏我国社会主义制度的国内外的敌对势力和敌对分子，必须进行斗争。

台湾是中华人民共和国的神圣领土的一部分。完成统一祖国的大业是包括台湾同胞在内的全中国人民的神圣职责。

社会主义的建设事业必须依靠工人、农民和知识分子，团结一切可以团结的力量。在长期的革命、建设、改革过程中，已经结成由中国共产党领导的，有各民主党派和各人民团体参加的，包括全体社会主义劳动者、社会主义事业的建设者、拥护社会主义的爱国者、拥护祖国统一和致力于中华民族伟大复兴的爱国者的广泛的爱国统一战线，这个统一战线将继续巩固和发展。中国人民政治协商会议是有广泛代表性的统一战线组织，过去发挥了重要的历史作用，今后在国家政治生活、社会生活和对外友好活动中，在进行社会主义现代化建设、维护国家的统一和团结的斗争中，将进一步发挥它的重要作用。中国共产党领导的多党合作和政治协商制度将长期存在和发展。

中华人民共和国是全国各族人民共同缔造的统一的多民族国家。平等团结互助和谐的社会主义民族关系已经确立，并将继续加强。在维护民族团结的斗争中，要反对大民族主义，主要是大汉族主义，也要反对地方民族主义。国家尽一切努力，促进全国各民族的共同繁荣。

中国革命、建设、改革的成就是同世界人民的支持分不开的。中国的前途是同世界的前途紧密地联系在一起的。中国坚持独立自主的对外政策，坚持互相尊重主权和领土完整、互不侵犯、互不干涉内政、平等互利、和平共处的五项原则，坚持和平发展道路，坚持互利共赢开放战略，发展同各国的外交关系和经济、文化交流，推动构建人类命运共同体；坚持反对帝国主义、霸权主义、殖民主义，加强同世界各国人民的团结，支持被压迫民族和发展中国家争取和维护民族独立、发展民族经济的正义斗争，为维护世界和平和促进人类进步事业而努力。

本宪法以法律的形式确认了中国各族人民奋斗的成果，规定了国家的根本制度和根本任务，是国家的根本法，具有最高的法律效力。全国各族人民、一切国家机关和武装力量、各政党和各社会团体、各企业事业组织，都必须以宪法为根本的活动准则，并且负有维护宪法尊严、保证宪法实施的职责。

Preamble

China is a country with one of the longest histories in the world. The people of all of China's nationalities have jointly created a culture of grandeur and have a glorious revolutionary tradition.

After 1840, feudal China was gradually turned into a semi-colonial and semi-feudal country. The Chinese people waged many successive heroic struggles for national independence and liberation and for democracy and freedom.

Great and earthshaking historical changes have taken place in China in the 20th century.

The Revolution of 1911, led by Dr. Sun Yat-sen, abolished the feudal monarchy and gave birth to the Republic of China. But the historic mission of the Chinese people to overthrow imperialism and feudalism remained unaccomplished.

After waging protracted and arduous struggles, armed and otherwise, along a zigzag course, the Chinese people of all nationalities led by the Communist Party of China with Chairman Mao Zedong as its leader ultimately, in 1949, overthrew the rule of imperialism, feudalism and bureaucrat-capitalism, won a great victory in the New-Democratic Revolution and founded the People's Republic of China. Since then the Chinese people have taken control of state power and become masters of the country.

After the founding of the People's Republic, China gradually achieved its transition from a New-Democratic to a socialist society. The socialist transformation of the private ownership of the means of production has been completed, the system of exploitation of man by man abolished and the socialist system established. The people's democratic dictatorship led by the working class and based on the alliance of workers and peasants, which is in essence the dictatorship of the proletariat, has been consolidated and developed. The Chinese people and the Chinese People's Liberation Army have defeated imperialist and hegemonist aggression, sabotage and armed provocations and have thereby safeguarded China's national independence and security and strengthened its national defence. Major successes have been achieved in economic development. An independent and relatively comprehensive socialist system of industry has basically been established. There has been a marked increase in agricultural production. Significant advances have been made in educational, scientific and cultural undertakings, while education in socialist ideology has produced noteworthy results. The life of the people has improved considerably.

The victory of China's New-Democratic Revolution and the successes in its socialist cause have been achieved by Chinese people of all ethnicities under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought by upholding truth, correcting errors and surmounting numerous difficulties and hardships. China will remain in the primary stage of socialism for a long time to come. The fundamental task of the nation is to concentrate efforts on socialist modernization along the path of socialism with Chinese characteristics. Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, the important ideology of 'Three Represents', Scientific Outlook on Development and Xi Jinping Thought on Socialism with Chinese Characteristics in a New Era, Chinese people of all ethnicities will continue to adhere to the people's democratic dictatorship and the socialist path, persevere in reform and opening up to the outside world, continuously improve various socialist institutions, develop the socialist market economy, develop socialist democracy, improve socialist rule of law, thoroughly practice new ideas of development, and work hard and self-reliantly to modernize the country's industry, agriculture, national defense and science and technology step by step and promote the coordinated development of material, political, spiritual, social and ecological civilization to build China into a prosperous, democratic, civilized, harmonious and beautiful modern socialist power, and realize the great rejuvenation of the Chinese nation.

The exploiting classes as such have been abolished in our country. However, class struggle will

continue to exist within certain bounds for a long time to come. The Chinese people must fight against those forces and elements, both at home and abroad, that are hostile to China's socialist system and try to undermine it.

Taiwan is part of the sacred territory of the People's Republic of China. It is the inviolable duty of all Chinese people, including our compatriots in Taiwan, to accomplish the great task of reunifying the motherland.

In building socialism, it is imperative to rely on workers, peasants and intellectuals and to unite all forces that can be united. During the long-term course of revolution, construction and reform, there has formed, under the leadership of the Communist Party of China, a broad patriotic united front which is composed of all democratic parties and people's organizations and which embraces all socialist working people, all builders of the socialist cause, all patriots who support socialism and all patriots who stand for the reunification of the motherland and are committed to the great rejuvenation of the Chinese nation. This united front will continue to be consolidated and developed. The Chinese People's Political Consultative Conference, a united front organization of broad-based representation, has played a significant historical role in the past, and will play an even more important role in the future in the country's political and social life, in promoting friendship with other countries and in the struggle for socialist modernization and the reunification and unity of the country. The system of multi-party cooperation and political consultation led by the Communist Party of China will exist and develop for a long time to come.

The People's Republic of China is a unitary multi-national State created jointly by the people of all its nationalities. Socialist relations of equality, unity, mutual assistance and harmony have been established among the nationalities and will continue to be strengthened. In the struggle to safeguard the unity of the nationalities, it is necessary to combat big-nation chauvinism, mainly Han chauvinism, and to combat local national chauvinism. The State will do its utmost to promote the common prosperity of all the nationalities.

The achievements made by China during revolution, construction and reform are inseparable from the support of the people of the world. China's future is closely linked to the future of the world. China upholds an independent foreign policy, adheres to the five principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful co-existence, sticks to the path of peaceful development, and upholds the strategies of mutual benefit, win-win and opening up in developing diplomatic relations and economic and cultural exchanges with other countries, and promoting the establishment of a community with a shared future for humanity; China consistently opposes imperialism, hegemonism and colonialism, works to strengthen solidarity with the people of other countries, supports the oppressed nations and developing countries in their just struggle to win and preserve national independence and develop national economies, and strives to safeguard global peace and promote the cause of human progress.

This Constitution, in legal form, affirms the achievements of the struggles of the Chinese people of all nationalities and defines the basic system and basic tasks of the State; it is the fundamental law of the State and has supreme legal authority. The people of all nationalities, all State organs, the armed forces, all political parties and public organizations and all enterprises and institutions in the country must take the Constitution as the basic standard of conduct, and they have the duty to uphold the dignity of the Constitution and ensure its implementation.

第一章 总纲

Chapter I General Principles

第一条 中华人民共和国是工人阶级领导的、以工农联盟为基础的人民民主专政的社会主义国家。社会主义制度是中华人民共和国的根本制度。中国共产党领导是中国特色社会主义最本质的特征。禁止任何组织或者个人破坏社会主义制度。

Article 1 The People's Republic of China is a socialist state under the people's democratic dictatorship led by the working class and based on the alliance of workers and peasants.

The socialist system is the basic system of the People's Republic of China. The leadership of the Communist Party of China is the most essential feature of socialism with Chinese characteristics. Disruption of the socialist system by any organization or individual is prohibited.

第二条 中华人民共和国的一切权力属于人民。

人民行使国家权力的机关是全国人民代表大会和地方各级人民代表大会。

人民依照法律规定,通过各种途径和形式,管理国家事务,管理经济和文化事业,管理社会事务。

Article 2 All power in the People's Republic of China belongs to the people.

The National People's Congress and the local people's congresses at various levels are the organs through which the people exercise state power.

The people administer State affairs and manage economic and cultural undertakings and social affairs through various channels and in various ways in accordance with the provisions of law.

第三条 中华人民共和国的国家机构实行民主集中制的原则。

全国人民代表大会和地方各级人民代表大会都由民主选举产生,对人民负责,受人民监督。

国家行政机关、监察机关、审判机关、检察机关都由人民代表大会产生,对它负责,受它监督。

中央和地方的国家机构职权的划分,遵循在中央的统一领导下,充分发挥地方的主动性、积极性的原则。

Article 3 The State organs of the People's Republic of China apply the principle of democratic centralism.

The National People's Congress and the local people's congresses at various levels are constituted through democratic elections. They are responsible to the people and subject to their supervision.

All administrative, supervisory, judicial and procuratorial organs of the State are created by the people's congresses to which they are responsible and by which they are supervised.

The division of functions and powers between the central and local State organs is guided by the principle of giving full scope to the initiative and enthusiasm of the local authorities under the unified leadership of the central authorities.

第四条 中华人民共和国各民族一律平等。国家保障各少数民族的合法的权利和利益,维护和发展各民族的平等团结互助和谐关系。禁止对任何民族的歧视和压迫,禁止破坏民族团结和制造民族分裂的行为。

国家根据各少数民族的特点和需要,帮助各少数民族地区加速经济和文化的发展。

各少数民族聚居的地方实行区域自治,设立自治机关,行使自治权。各民族自治地方都是中华人民共和国不可分离的部分。

各民族都有使用和发展自己的语言文字的自由,都有保持或者改革自己的风俗习惯的自由。

Article 4 All nationalities in the People's Republic of China are equal. The State protects the lawful rights and interests of the minority nationalities and upholds and develops a relationship of equality, unity, mutual assistance and harmony among all of China's nationalities. Discrimination against and oppression of any nationality are prohibited; any act which undermines the unity of the

nationalities or instigates division is prohibited.

The State assists areas inhabited by minority nationalities in accelerating their economic and cultural development according to the characteristics and needs of the various minority nationalities.

Regional autonomy is practised in areas where people of minority nationalities live in concentrated communities; in these areas organs of self-government are established to exercise the power of autonomy. All national autonomous areas are integral parts of the People's Republic of China.

All nationalities have the freedom to use and develop their own spoken and written languages and to preserve or reform their own folkways and customs.

第五条 中华人民共和国实行依法治国,建设社会主义法治国家。

国家维护社会主义法制的统一和尊严。

一切法律、行政法规和地方性法规都不得同宪法相抵触。

一切国家机关和武装力量、各政党和各社会团体、各企业事业组织都必须遵守宪法和法律。一切违反宪法和法律的行为,必须予以追究。

任何组织或者个人都不得有超越宪法和法律的特权。

Article 5 The People's Republic of China governs the country according to law and makes it a socialist country under rule of law.

The State upholds the uniformity and dignity of the socialist legal system.

No laws or administrative or local regulations may contravene the Constitution.

All State organs, the armed forces, all political parties and public organizations and all enterprises and institutions must abide by the Constitution and other laws. All acts in violation of the Constitution or other laws must be investigated.

No organization or individual is privileged to be beyond the Constitution or other laws.

第六条 中华人民共和国的社会主义经济制度的基础是生产资料的社会主义公有制,即全民所有制和劳动群众集体所有制。社会主义公有制消灭人剥削人的制度,实行各尽所能、按劳分配的原则。

国家在社会主义初级阶段,坚持公有制为主体、多种所有制经济共同发展的基本经济制度,坚持按劳分配为主体、多种分配方式并存的分配制度。

Article 6 The basis of the socialist economic system of the People's Republic of China is socialist public ownership of the means of production, namely, ownership by the whole people and collective ownership by the working people. The system of socialist public ownership supersedes the system of exploitation of man by man; it applies the principle of "from each according to his ability, to each according to his work".

In the primary stage of socialism, the State upholds the basic economic system in which the public ownership is dominant and diverse forms of ownership develop side by side and keeps to the distribution system in which distribution according to work is dominant and diverse modes of distribution coexist.

第七条 国有经济,即社会主义全民所有制经济,是国民经济中的主导力量。国家保障国有经济的巩固和发展。

Article 7 The State-owned economy, namely, the socialist economy under ownership by the whole people, is the leading force in the national economy. The State ensures the consolidation and growth of the State-owned economy.

第八条 农村集体经济组织实行家庭承包经营为基础、统分结合的双层经营体制。农村中的生产、

供销、信用、消费等各种形式的合作经济,是社会主义劳动群众集体所有制经济。参加农村集体经济组织的劳动者,有权在法律规定的范围内经营自留地、自留山、家庭副业和饲养自留畜。

城镇中的手工业、工业、建筑业、运输业、商业、服务业等行业的各种形式的合作经济,都是社会主义劳动群众集体所有制经济。

国家保护城乡集体经济组织的合法的权利和利益,鼓励、指导和帮助集体经济的发展。

Article 8 The rural collective economic organizations apply the dual operation system characterized by the combination of centralized operation with decentralized operation on the basis of operation by households under a contract. In rural areas, all forms of cooperative economy, such as producers', supply and marketing, credit and consumers' cooperatives, belong to the sector of socialist economy under collective ownership by the working people. Working people who are members of rural economic collectives have the right, within the limits prescribed by law, to farm plots of cropland and hilly land allotted for their private use, engage in household sideline production and raise privately owned livestock.

The various forms of cooperative economy in cities and towns, such as those in the handicraft, industrial, building, transport, commercial and service trades, all belong to the sector of socialist economy under collective ownership by the working people.

The State protects the lawful rights and interests of the urban and rural economic collectives and encourages, guides and helps the growth of the collective economy.

第九条 矿藏、水流、森林、山岭、草原、荒地、滩涂等自然资源,都属于国家所有,即全民所有;由法律规定属于集体所有的森林和山岭、草原、荒地、滩涂除外。

国家保障自然资源的合理利用,保护珍贵的动物和植物。禁止任何组织或者个人用任何手段侵占或者破坏自然资源。

Article 9 All mineral resources, waters, forests, mountains, grasslands, unreclaimed land, beaches and other natural resources are owned by the State, that is, by the whole people, with the exception of the forests, mountains, grasslands, unreclaimed land and beaches that are owned by collectives as prescribed by law.

The State ensures the rational use of natural resources and protects rare animals and plants. Appropriation or damaging of natural resources by any organization or individual by whatever means is prohibited.

第十条 城市的土地属于国家所有。

农村和城市郊区的土地,除由法律规定属于国家所有的以外,属于集体所有;宅基地和自留地、自留山,也属于集体所有。

国家为了公共利益的需要,可以依照法律规定对土地实行征收或者征用并给予补偿。

任何组织或者个人不得侵占、买卖或者以其他形式非法转让土地。土地的使用权可以依照法律的规定转让。

一切使用土地的组织和个人必须合理地利用土地。

Article 10 Land in the cities is owned by the State.

Land in the rural and suburban areas is owned by collectives except for those portions which belong to the State as prescribed by law; house sites and privately farmed plots of cropland and hilly land are also owned by collectives.

The State may, in the public interest and in accordance with law, expropriate or requisition land for its use and make compensation for the land expropriated or requisitioned.

No organization or individual may appropriate, buy, sell or otherwise engage in the transfer of land

by unlawful means. The right to the use of land may be transferred according to law.

All organizations and individuals using land must ensure its rational use.

第十一条 在法律规定范围内的个体经济、私营经济等非公有制经济,是社会主义市场经济的重要组成部分。

国家保护个体经济、私营经济等非公有制经济的合法的权利和利益。国家鼓励、支持和引导非公有制经济的发展,并对非公有制经济依法实行监督和管理。

Article 11 The non-public sectors of the economy such as the individual and private sectors of the economy, operating within the limits prescribed by law, constitute an important component of the socialist market economy.

The State protects the lawful rights and interests of the non-public sectors of the economy such as the individual and private sectors of the economy. The State encourages, supports and guides the development of the non-public sectors of the economy and, in accordance with law, exercises supervision and control over the non-public sectors of the economy.

第十二条 社会主义的公共财产神圣不可侵犯。

国家保护社会主义的公共财产。禁止任何组织或者个人用任何手段侵占或者破坏国家的和集体的财产。

Article 12 Socialist public property is inviolable.

The State protects socialist public property. Appropriation or damaging of State or collective property by any organization or individual by whatever means is prohibited.

第十三条 公民的合法的私有财产不受侵犯。

国家依照法律规定保护公民的私有财产权和继承权。

国家为了公共利益的需要,可以依照法律规定对公民的私有财产实行征收或者征用并给予补偿。

Article 13 Citizens' lawful private property is inviolable.

The State, in accordance with law, protects the rights of citizens to private property and to its inheritance.

The State may, in the public interest and in accordance with law, expropriate or requisition private property for its use and make compensation for the private property expropriated or requisitioned.

第十四条 国家通过提高劳动者的积极性和技术水平,推广先进的科学技术,完善经济管理体制和企业经营管理制度,实行各种形式的社会主义责任制,改进劳动组织,以不断提高劳动生产率和经济效益,发展社会生产力。

国家厉行节约,反对浪费。

国家合理安排积累和消费,兼顾国家、集体和个人的利益,在发展生产的基础上,逐步改善人民的物质生活和文化生活。

国家建立健全同经济发展水平相适应的社会保障制度。

Article 14 The State continuously raises labour productivity, improves economic results and develops the productive forces by enhancing the enthusiasm of the working people, raising the level of their technical skill, disseminating advanced science and technology, improving the systems of economic administration and enterprise operation and management, instituting the socialist system of responsibility in various forms and improving the organization of work.

The State practises strict economy and combats waste.

The State properly apportions accumulation and consumption, concerns itself with the interests of the

collective and the individual as well as of the State and, on the basis of expanded production, gradually improves the material and cultural life of the people.

The State establishes a sound social security system compatible with the level of economic development.

第十五条 国家实行社会主义市场经济。

国家加强经济立法,完善宏观调控。

国家依法禁止任何组织或者个人扰乱社会经济秩序。

Article 15 The State practises socialist market economy.

The State strengthens economic legislation, improves macro-regulation and control.

The State prohibits in accordance with law any organization or individual from disturbing the socio-economic order.

第十六条 国有企业在法律规定的范围内有权自主经营。

国有企业依照法律规定,通过职工代表大会和其他形式,实行民主管理。

Article 16 State-owned enterprises have decision-making power with regard to their operation within the limits prescribed by law.

State-owned enterprises practise democratic management through congresses of workers and staff and in other ways in accordance with law.

第十七条 集体经济组织在遵守有关法律的前提下,有独立进行经济活动的自主权。

集体经济组织实行民主管理,依照法律规定选举和罢免管理人员,决定经营管理的重大问题。

Article 17 Collective economic organizations have decision-making power in conducting independent economic activities, on condition that they abide by the relevant laws.

Collective economic organizations practise democratic management and, in accordance with law, elect or remove their managerial personnel and decide on major issues concerning operation and management.

第十八条 中华人民共和国允许外国的企业和其他经济组织或者个人依照中华人民共和国法律的规定在中国投资,同中国的企业或者其他经济组织进行各种形式的经济合作。

在中国境内的外国企业和其他外国经济组织以及中外合资经营的企业,都必须遵守中华人民共和国的法律。它们的合法的权利和利益受中华人民共和国法律的保护。

Article 18 The People's Republic of China permits foreign enterprises, other foreign economic organizations and individual foreigners to invest in China and to enter into various forms of economic cooperation with Chinese enterprises and other Chinese economic organizations in accordance with the provisions of the laws of the People's Republic of China.

All foreign enterprises, other foreign economic organizations as well as Chinese-foreign joint ventures within Chinese territory shall abide by the laws of the People's Republic of China. Their lawful rights and interests are protected by the laws of the People's Republic of China.

第十九条 国家发展社会主义的教育事业,提高全国人民的科学文化水平。

国家举办各种学校,普及初等义务教育,发展中等教育、职业教育和高等教育,并且发展学前教育。

国家发展各种教育设施,扫除文盲,对工人、农民、国家工作人员和其他劳动者进行政治、文化、科学、技术、业务的教育,鼓励自学成才。

国家鼓励集体经济组织、国家企业事业组织和其他社会力量依照法律规定举办各种教育事业。

国家推广全国通用的普通话。

Article 19 The State undertakes the development of socialist education and works to raise the scientific and cultural level of the whole nation.

The State establishes and administers schools of various types, universalizes compulsory primary education and promotes secondary, vocational and higher education as well as pre-school education.

The State develops educational facilities in order to eliminate illiteracy and provide political, scientific, technical and professional education for workers, peasants, State functionaries and other working people. It encourages people to become educated through independent study.

The State encourages the collective economic organizations, State enterprises and institutions and other sectors of society to establish educational institutions of various types in accordance with law.

The State promotes the nationwide use of Putonghua [common speech based on Beijing pronunciation--Tr.].

第二十条 国家发展自然科学和社会科学事业,普及科学和技术知识,奖励科学研究成果和技术发明创造。

Article 20 The State promotes the development of the natural and social sciences, disseminates knowledge of science and technology, and commends and rewards achievements in scientific research as well as technological innovations and inventions.

第二十一条 国家发展医疗卫生事业,发展现代医药和我国传统医药,鼓励和支持农村集体经济组织、国家企业事业组织和街道组织举办各种医疗卫生设施,开展群众性的卫生活动,保护人民健康。

国家发展体育事业,开展群众性的体育活动,增强人民体质。

Article 21 The State develops medical and health services, promotes modern medicine and traditional Chinese medicine, encourages and supports the setting up of various medical and health facilities by the rural economic collectives, State enterprises and institutions and neighbourhood organizations, and promotes health and sanitation activities of a mass character, all for the protection of the people's health.

The State develops physical culture and promotes mass sports activities to improve the people's physical fitness.

第二十二条 国家发展为人民服务、为社会主义服务的文学艺术事业、新闻广播电视事业、出版发行事业、图书馆博物馆文化馆和其他文化事业,开展群众性的文化活动。

国家保护名胜古迹、珍贵文物和其他重要历史文化遗产。

Article 22 The State promotes the development of art and literature, the press, radio and television broadcasting, publishing and distribution services, libraries, museums, cultural centres and other cultural undertakings that serve the people and socialism, and it sponsors mass cultural activities.

The State protects sites of scenic and historical interest, valuable cultural monuments and relics and other significant items of China's historical and cultural heritage.

第二十三条 国家培养为社会主义服务的各种专业人才,扩大知识分子的队伍,创造条件,充分发挥他们在社会主义现代化建设中的作用。

Article 23 The State trains specialized personnel in all fields who serve socialism, expands the ranks of intellectuals and creates conditions to give full scope to their role in socialist modernization.

第二十四条 国家通过普及理想教育、道德教育、文化教育、纪律和法制教育,通过在城乡不同范围

的群众中制定和执行各种守则、公约,加强社会主义精神文明的建设。

国家倡导社会主义核心价值观,提倡爱祖国、爱人民、爱劳动、爱科学、爱社会主义的公德,在人民中进行爱国主义、集体主义和国际主义、共产主义的教育,进行辩证唯物主义和历史唯物主义的教育,反对资本主义的、封建主义的和其他的腐朽思想。

Article 24 The State promotes socialist core values, advocates the civic virtues of love of the motherland, of the people, of labor, of science and of socialism, and conducts education of patriotism, collectivism, internationalism and communism and education of dialectical and historical materialism among the people, to combat capitalist, feudal and other decadent ideas.

The State advocates the civic virtues of love of the motherland, of the people, of labour, of science and of socialism. It conducts education among the people in patriotism and collectivism, in internationalism and communism and in dialectical and historical materialism, to combat capitalist, feudal and other decadent ideas.

第二十五条 国家推行计划生育,使人口的增长同经济和社会发展计划相适应。

Article 25 The State promotes family planning so that population growth may fit the plans for economic and social development.

第二十六条 国家保护和改善生活环境和生态环境,防治污染和其他公害。

国家组织和鼓励植树造林,保护林木。

Article 26 The State protects and improves the environment in which people live and the ecological environment. It prevents and controls pollution and other public hazards.

The State organizes and encourages afforestation and the protection of forests.

第二十七条 一切国家机关实行精简的原则,实行工作责任制,实行工作人员的培训和考核制度,不断提高工作质量和工作效率,反对官僚主义。

一切国家机关和国家工作人员必须依靠人民的支持,经常保持同人民的密切联系,倾听人民的意见和建议,接受人民的监督,努力为人民服务。

国家工作人员就职时应当依照法律规定公开进行宪法宣誓。

Article 27 All State organs carry out the principle of simple and efficient administration, the system of responsibility for work and the system of training functionaries and appraising their performance in order constantly to improve the quality of work and efficiency and combat bureaucracy.

All State organs and functionaries must rely on the support of the people, keep in close touch with them, heed their opinions and suggestions, accept their supervision and do their best to serve them.

When taking office, a State functionary shall publicly take constitutional oath in accordance with the law.

第二十八条 国家维护社会秩序,镇压叛国和其他危害国家安全的犯罪活动,制裁危害社会治安、破坏社会主义经济和其他犯罪的活动,惩办和改造犯罪分子。

Article 28 The State maintains public order and suppresses treasonable and other criminal activities that endanger State security; it penalizes criminal activities that endanger public security and disrupt the socialist economy as well as other criminal activities; and it punishes and reforms criminals.

第二十九条 中华人民共和国的武装力量属于人民。它的任务是巩固国防,抵抗侵略,保卫祖国,保卫人民的和平劳动,参加国家建设事业,努力为人民服务。

国家加强武装力量的革命化、现代化、正规化的建设,增强国防力量。

Article 29 The armed forces of the People's Republic of China belong to the people. Their tasks are to strengthen national defence, resist aggression, defend the motherland, safeguard the people's peaceful labour, participate in national reconstruction and do their best to serve the people.

The State strengthens the revolutionization, modernization and regularization of the armed forces in order to increase national defence capability.

第三十条 中华人民共和国的行政区域划分如下:

(一)全国分为省、自治区、直辖市;

(二)省、自治区分为自治州、县、自治县、市;

(三)县、自治县分为乡、民族乡、镇。

直辖市和较大的市分为区、县。自治州分为县、自治县、市。

自治区、自治州、自治县都是民族自治地方。

Article 30 The administrative division of the People's Republic of China is as follows:

(1) The country is divided into provinces, autonomous regions, and municipalities directly under the Central Government;

(2) Provinces and autonomous regions are divided into autonomous prefectures, counties, autonomous counties, and cities; and

(3) Counties and autonomous counties are divided into townships, nationality townships, and towns. Municipalities directly under the Central Government and other large cities are divided into districts and counties. Autonomous prefectures are divided into counties, autonomous counties, and cities.

All autonomous regions, autonomous prefectures and autonomous counties are national autonomous areas.

第三十一条 国家在必要时得设立特别行政区。在特别行政区内实行的制度按照具体情况由全国人民代表大会以法律规定。

Article 31 The State may establish special administrative regions when necessary. The systems to be instituted in special administrative regions shall be prescribed by law enacted by the National People's Congress in the light of specific conditions.

第三十二条 中华人民共和国保护在中国境内的外国人的合法权利和利益,在中国境内的外国人必须遵守中华人民共和国的法律。

中华人民共和国对于因为政治原因要求避难的外国人,可以给予受庇护的权利。

Article 32 The People's Republic of China protects the lawful rights and interests of foreigners within Chinese territory; foreigners on Chinese territory must abide by the laws of the People's Republic of China.

The People's Republic of China may grant asylum to foreigners who request it for political reasons.

第二章 公民的基本权利和义务

Chapter II The Fundamental Rights and Duties of Citizens

第三十三条 凡具有中华人民共和国国籍的人都是中华人民共和国公民。

中华人民共和国公民在法律面前一律平等。

国家尊重和保障人权。

任何公民享有宪法和法律规定的权利,同时必须履行宪法和法律规定的义务。

Article 33 All persons holding the nationality of the People's Republic of China are citizens of the People's Republic of China.

All citizens of the People's Republic of China are equal before the law.

The State respects and preserves human rights.

Every citizen is entitled to the rights and at the same time must perform the duties prescribed by the Constitution and other laws.

第三十四条 中华人民共和国年满十八周岁的公民,不分民族、种族、性别、职业、家庭出身、宗教信仰、教育程度、财产状况、居住期限,都有选举权和被选举权;但是依照法律被剥夺政治权利的人除外。

Article 34 All citizens of the People's Republic of China who have reached the age of 18 have the right to vote and stand for election, regardless of ethnic status, race, sex, occupation, family background, religious belief, education, property status or length of residence, except persons deprived of political rights according to law.

第三十五条 中华人民共和国公民有言论、出版、集会、结社、游行、示威的自由。

Article 35 Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.

第三十六条 中华人民共和国公民有宗教信仰自由。

任何国家机关、社会团体和个人不得强制公民信仰宗教或者不信仰宗教,不得歧视信仰宗教的公民和不信仰宗教的公民。

国家保护正常的宗教活动。任何人不得利用宗教进行破坏社会秩序、损害公民身体健康、妨碍国家教育制度的活动。

宗教团体和宗教事务不受外国势力的支配。

Article 36 Citizens of the People's Republic of China enjoy freedom of religious belief.

No State organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion.

The State protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the State.

Religious bodies and religious affairs are not subject to any foreign domination.

第三十七条 中华人民共和国公民的人身自由不受侵犯。

任何公民,非经人民检察院批准或者决定或者人民法院决定,并由公安机关执行,不受逮捕。

禁止非法拘禁和以其他方法非法剥夺或者限制公民的人身自由,禁止非法搜查公民的身体。

Article 37 Freedom of the person of citizens of the People's Republic of China is inviolable.

No citizen may be arrested except with the approval or by decision of a people's procuratorate or by decision of a people's court, and arrests must be made by a public security organ.

Unlawful detention or deprivation or restriction of citizens' freedom of the person by other means is prohibited, and unlawful search of the person of citizens is prohibited.

第三十八条 中华人民共和国公民的人格尊严不受侵犯。禁止用任何方法对公民进行侮辱、诽谤和诬告陷害。

Article 38 The personal dignity of citizens of the People's Republic of China is inviolable.

Insult, libel, false accusation or false incrimination directed against citizens by any means is prohibited.

第三十九条 中华人民共和国公民的住宅不受侵犯。禁止非法搜查或者非法侵入公民的住宅。

Article 39 The residences of citizens of the People's Republic of China are inviolable. Unlawful search of, or intrusion into, a citizen's residence is prohibited.

第四十条 中华人民共和国公民的通信自由和通信秘密受法律的保护。除因国家安全或者追查刑事犯罪的需要,由公安机关或者检察机关依照法律规定的程序对通信进行检查外,任何组织或者个人不得以任何理由侵犯公民的通信自由和通信秘密。

Article 40 Freedom and privacy of correspondence of citizens of the People's Republic of China are protected by law. No organization or individual may, on any ground, infringe upon citizens' freedom and privacy of correspondence, except in cases where, to meet the needs of State security or of criminal investigation, public security or procuratorial organs are permitted to censor correspondence in accordance with the procedures prescribed by law.

第四十一条 中华人民共和国公民对于任何国家机关和国家工作人员,有提出批评和建议的权利;对于任何国家机关和国家工作人员的违法失职行为,有向有关国家机关提出申诉、控告或者检举的权利,但是不得捏造或者歪曲事实进行诬告陷害。

对于公民的申诉、控告或者检举,有关国家机关必须查清事实,负责处理。任何人不得压制和打击报复。由于国家机关和国家工作人员侵犯公民权利而受到损失的人,有依照法律规定取得赔偿的权利。

Article 41 Citizens of the People's Republic of China have the right to criticize and make suggestions regarding any State organ or functionary. Citizens have the right to make to relevant State organs complaints or charges against, or exposures of, any State organ or functionary for violation of law or dereliction of duty; but fabrication or distortion of facts for purposes of libel or false incrimination is prohibited.

The State organ concerned must, in a responsible manner and by ascertaining the facts, deal with the complaints, charges or exposures made by citizens. No one may suppress such complaints, charges and exposures or retaliate against the citizens making them.

Citizens who have suffered losses as a result of infringement of their civic rights by any State organ or functionary have the right to compensation in accordance with the provisions of law.

第四十二条 中华人民共和国公民有劳动的权利和义务。

国家通过各种途径,创造劳动就业条件,加强劳动保护,改善劳动条件,并在发展生产的基础上,提高劳动报酬和福利待遇。

劳动是一切有劳动能力的公民的光荣职责。国有企业和城乡集体经济组织的劳动者都应当以国家主人翁的态度对待自己的劳动。国家提倡社会主义劳动竞赛,奖励劳动模范和先进工作者。国家提倡公民从事义务劳动。

国家对就业前的公民进行必要的劳动就业训练。

Article 42 Citizens of the People's Republic of China have the right as well as the duty to work.

Through various channels, the State creates conditions for employment, enhances occupational safety and health, improves working conditions and, on the basis of expanded production, increases remuneration for work and welfare benefits. Work is a matter of honour for every citizen who is able to work.

All working people in State-owned enterprises and in urban and rural economic collectives should approach their work as the masters of the country that they are. The State promotes socialist labour

emulation, and commends and rewards model and advanced workers. The State encourages citizens to take part in voluntary labour.

The State provides necessary vocational training for citizens before they are employed.

第四十三条 中华人民共和国劳动者有休息的权利。

国家发展劳动者休息和休养的设施,规定职工的工作时间和休假制度。

Article 43 Working people in the People's Republic of China have the right to rest.

The State expands facilities for the rest and recuperation of the working people and prescribes working hours and vacations for workers and staff.

第四十四条 国家依照法律规定实行企业事业组织的职工和国家机关工作人员的退休制度。退休人员的生活受到国家和社会的保障。

Article 44 The State applies the system of retirement for workers and staff members of enterprises and institutions and for functionaries of organs of State according to law. The livelihood of retired persons is ensured by the State and society.

第四十五条 中华人民共和国公民在年老、疾病或者丧失劳动能力的情况下,有从国家和社会获得物质帮助的权利。国家发展为公民享受这些权利所需要的社会保险、社会救济和医疗卫生事业。

国家和社会保障残废军人的生活,抚恤烈士家属,优待军人家属。

国家和社会帮助安排盲、聋、哑和其他有残疾的公民的劳动、生活和教育。

Article 45 Citizens of the People's Republic of China have the right to material assistance from the State and society when they are old, ill or disabled. The State develops social insurance, social relief and medical and health services that are required for citizens to enjoy this right.

The State and society ensure the livelihood of disabled members of the armed forces, provide pensions to the families of martyrs and give preferential treatment to the families of military personnel.

The State and society help make arrangements for the work, livelihood and education of the blind, deaf-mutes and other handicapped citizens.

第四十六条 中华人民共和国公民有受教育的权利和义务。

国家培养青年、少年、儿童在品德、智力、体质等方面全面发展。

Article 46 Citizens of the People's Republic of China have the duty as well as the right to receive education.

The State promotes the all-round development of children and young people, morally, intellectually and physically.

第四十七条 中华人民共和国公民有进行科学研究、文学艺术创作和其他文化活动的自由。国家对于从事教育、科学、技术、文学、艺术和其他文化事业的公民的有益于人民的创造性工作,给以鼓励和帮助。

Article 47 Citizens of the People's Republic of China have the freedom to engage in scientific research, literary and artistic creation and other cultural pursuits. The State encourages and assists creative endeavours conducive to the interests of the people that are made by citizens engaged in education, science, technology, literature, art and other cultural work.

第四十八条 中华人民共和国妇女在政治的、经济的、文化的、社会的和家庭的生活等各方面享有同男子平等的权利。

国家保护妇女的权利和利益,实行男女同工同酬,培养和选拔妇女干部。

Article 48 Women in the People's Republic of China enjoy equal rights with men in all spheres of life, in political, economic, cultural, social and family life.

The State protects the rights and interests of women, applies the principle of equal pay for equal work to men and women alike and trains and selects cadres from among women.

第四十九条 婚姻、家庭、母亲和儿童受国家的保护。

夫妻双方有实行计划生育的义务。

父母有抚养教育未成年子女的义务,成年子女有赡养扶助父母的义务。

禁止破坏婚姻自由,禁止虐待老人、妇女和儿童。

Article 49 Marriage, the family and mother and child are protected by the State.

Both husband and wife have the duty to practise family planning.

Parents have the duty to rear and educate their children who are minors, and children who have come of age have the duty to support and assist their parents.

Violation of the freedom of marriage is prohibited. Maltreatment of old people, women and children is prohibited.

第五十条 中华人民共和国保护华侨的正当的权利和利益,保护归侨和侨眷的合法的权利和利益。

Article 50 The People's Republic of China protects the legitimate rights and interests of Chinese nationals residing abroad and protects the lawful rights and interests of returned overseas Chinese and of the family members of Chinese nationals residing abroad.

第五十一条 中华人民共和国公民在行使自由和权利的时候,不得损害国家的、社会的、集体的利益和其他公民的合法的自由和权利。

Article 51 Citizens of the People's Republic of China, in exercising their freedoms and rights, may not infringe upon the interests of the State, of society or of the collective, or upon the lawful freedoms and rights of other citizens.

第五十二条 中华人民共和国公民有维护国家统一和全国民族团结的义务。

Article 52 It is the duty of citizens of the People's Republic of China to safeguard the unification of the country and the unity of all its nationalities.

第五十三条 中华人民共和国公民必须遵守宪法和法律,保守国家秘密,爱护公共财产,遵守劳动纪律,遵守公共秩序,尊重社会公德。

Article 53 Citizens of the People's Republic of China must abide by the Constitution and other laws, keep State secrets, protect public property, observe labour discipline and public order and respect social ethics.

第五十四条 中华人民共和国公民有维护祖国的安全、荣誉和利益的义务,不得有危害祖国的安全、荣誉和利益的行为。

Article 54 It is the duty of citizens of the People's Republic of China to safeguard the security, honour and interests of the motherland; they must not commit acts detrimental to the security, honour and interests of the motherland.

第五十五条 保卫祖国、抵抗侵略是中华人民共和国每一个公民的神圣职责。

依照法律服兵役和参加民兵组织是中华人民共和国公民的光荣义务。

Article 55 It is the sacred duty of every citizen of the People's Republic of China to defend the motherland and resist aggression.

It is the honourable duty of citizens of the People's Republic of China to perform military service and join the militia in accordance with law.

第五十六条 中华人民共和国公民有依照法律纳税的义务。

Article 56 It is the duty of citizens of the People's Republic of China to pay taxes in accordance with law.

第三章 国家机构

第一节 全国人民代表大会

Chapter III The Structure of the State Section 1 The National People's Congress

第五十七条 中华人民共和国全国人民代表大会是最高国家权力机关。它的常设机关是全国人民代表大会常务委员会。

Article 57 The National People's Congress is the highest organ of state power. Its permanent body is the Standing Committee of the National People's Congress.

第五十八条 全国人民代表大会和全国人民代表大会常务委员会行使国家立法权。

Article 58 The National People's Congress and its Standing Committee exercise the legislative power of the State.

第五十九条 全国人民代表大会由省、自治区、直辖市、特别行政区和军队选出的代表组成。各少数民族都应当有适当名额的代表。

全国人民代表大会代表的选举由全国人民代表大会常务委员会主持。

全国人民代表大会代表名额和代表产生办法由法律规定。

Article 59 The National People's Congress is composed of deputies elected from the provinces, autonomous regions, municipalities directly under the Central Government, and special administrative regions, and of deputies elected from the armed forces. All the minority nationalities are entitled to appropriate representation.

Election of deputies to the National People's Congress is conducted by the Standing Committee of the National People's Congress.

The number of deputies to the National People's Congress and the procedure of their election are prescribed by law.

第六十条 全国人民代表大会每届任期五年。

全国人民代表大会任期届满的两个月以前,全国人民代表大会常务委员会必须完成下届全国人民代表大会代表的选举。如果遇到不能进行选举的非常情况,由全国人民代表大会常务委员会以全体组成人员的三分之二以上的多数通过,可以推迟选举,延长本届全国人民代表大会的任期。在非常情况结束后一年内,必须完成下届全国人民代表大会代表的选举。

Article 60 The National People's Congress is elected for a term of five years.

The Standing Committee of the National People's Congress must ensure the completion of election of deputies to the succeeding National People's Congress two months prior to the expiration of the term

of office of the current National People's Congress. Should extraordinary circumstances prevent such an election, it may be postponed and the term of office of the current National People's Congress extended by the decision of a vote of more than two-thirds of all those on the Standing Committee of the current National People's Congress. The election of deputies to the succeeding National People's Congress must be completed within one year after the termination of such extraordinary circumstances.

第六十一条 全国人民代表大会会议每年举行一次,由全国人民代表大会常务委员会召集。如果全国人民代表大会常务委员会认为必要,或者有五分之一以上的全国人民代表大会代表提议,可以临时召集全国人民代表大会会议。

全国人民代表大会举行会议的时候,选举主席团主持会议。

Article 61 The National People's Congress meets in session once a year and is convened by its Standing Committee. A session of the National People's Congress may be convened at any time the Standing Committee deems it necessary or when more than one-fifth of the deputies to the National People's Congress so propose.

When the National People's Congress meets, it elects a Presidium to conduct its session.

第六十二条 全国人民代表大会行使下列职权:

- (一)修改宪法;
- (二)监督宪法的实施;
- (三)制定和修改刑事、民事、国家机构的和其他的基本法律;
- (四)选举中华人民共和国主席、副主席;
- (五)根据中华人民共和国主席的提名,决定国务院总理的人选;根据国务院总理的提名,决定国务院副总理、国务委员、各部部长、各委员会主任、审计长、秘书长的人选;
- (六)选举中央军事委员会主席;根据中央军事委员会主席的提名,决定中央军事委员会其他组成人员的人选;
- (七)选举国家监察委员会主任;
- (八)选举最高人民法院院长;
- (九)选举最高人民检察院检察长;
- (十)审查和批准国民经济和社会发展计划和计划执行情况的报告;
- (十一)审查和批准国家的预算和预算执行情况的报告;
- (十二)改变或者撤销全国人民代表大会常务委员会不适当的决定;
- (十三)批准省、自治区和直辖市的建置;
- (十四)决定特别行政区的设立及其制度;
- (十五)决定战争和和平的问题;
- (十六)应当由最高国家权力机关行使的其他职权。

Article 62 The National People's Congress exercises the following functions and powers:

- (1)to amend the Constitution;
- (2)to supervise the enforcement of the Constitution;
- (3)to enact and amend basic laws governing criminal offences, civil affairs, the State organs and other matters;
- (4)to elect the President and the Vice-President of the People's Republic of China;
- (5)to decide on the choice of the Premier of the State Council upon nomination by the President of the People's Republic of China, and on the choice of the Vice-Premiers, State Councillors, Ministers in charge of ministries or commissions, the Auditor-General and the Secretary-General of the State

Council upon nomination by the Premier;

(6) to elect the Chairman of the Central Military Commission and, upon nomination by the Chairman, to decide on the choice of all other members of the Central Military Commission;

(7) to elect the Director of the National Supervision Commission;

(8) to elect the President of the Supreme People's Court;

(9) to elect the Procurator-General of the Supreme People's Procuratorate;

(10) to examine and approve the plan for national economic and social development and the report on its implementation;

(11) to examine and approve the State budget and the report on its implementation;

(12) to alter or annul inappropriate decisions of the Standing Committee of the National People's Congress;

(13) to approve the establishment of provinces, autonomous regions, and municipalities directly under the Central Government;

(14) to decide on the establishment of special administrative regions and the systems to be instituted there;

(15) to decide on questions of war and peace; and

(16) to exercise such other functions and powers as the highest organ of state power should exercise.

第六十三条 全国人民代表大会有权罢免下列人员:

(一) 中华人民共和国主席、副主席;

(二) 国务院总理、副总理、国务委员、各部部长、各委员会主任、审计长、秘书长;

(三) 中央军事委员会主席和中央军事委员会其他组成人员;

(四) 国家监察委员会主任;

(五) 最高人民法院院长;

(六) 最高人民检察院检察长。

Article 63 The National People's Congress has the power to remove from office the following persons:

(1) the President and the Vice-President of the People's Republic of China;

(2) the Premier, Vice-Premiers, State Councillors, Ministers in charge of ministries or commissions, the Auditor-General and the Secretary-General of the State Council;

(3) the Director of the National Supervision Commission;

(4) the Chairman of the Central Military Commission and other members of the Commission;

(5) the President of the Supreme People's Court; and

(6) the Procurator-General of the Supreme People's Procuratorate.

第六十四条 宪法的修改,由全国人民代表大会常务委员会或者五分之一以上的全国人民代表大会代表提议,并由全国人民代表大会以全体代表的三分之二以上的多数通过。

法律和其他议案由全国人民代表大会以全体代表的过半数通过。

Article 64 Amendments to the Constitution are to be proposed by the Standing Committee of the National People's Congress or by more than one-fifth of the deputies to the National People's Congress and adopted by a vote of more than two-thirds of all the deputies to the Congress.

Laws and resolutions are to be adopted by a majority vote of all the deputies to the National People's Congress.

第六十五条 全国人民代表大会常务委员会由下列人员组成:

委员长,
副委员长若干人,
秘书长,
委员若干人。

全国人民代表大会常务委员会组成人员中,应当有适当名额的少数民族代表。

全国人民代表大会选举并有权罢免全国人民代表大会常务委员会的组成人员。

全国人民代表大会常务委员会的组成人员不得担任国家行政机关、监察机关、审判机关和检察机关的职务。

Article 65 The Standing Committee of the National People's Congress is composed of the following:

the Chairman;
the Vice-Chairmen;
the Secretary-General; and
the members.

Minority nationalities are entitled to appropriate representation on the Standing Committee of the National People's Congress.

The National People's Congress elects, and has the power to recall, members of its Standing Committee.

No member of the Standing Committee of the National People's Congress shall hold office in any administrative, supervisory, judicial or procuratorial organ of the State.

第六十六条 全国人民代表大会常务委员会每届任期同全国人民代表大会每届任期相同,它行使职权到下届全国人民代表大会选出新的常务委员会为止。

委员长、副委员长连续任职不得超过两届。

Article 66 The Standing Committee of the National People's Congress is elected for the same term as the National People's Congress; it shall exercise its functions and powers until a new Standing Committee is elected by the succeeding National People's Congress.

The Chairman and Vice-Chairmen of the Standing Committee shall serve no more than two consecutive terms.

第六十七条 全国人民代表大会常务委员会行使下列职权:

- (一)解释宪法,监督宪法的实施;
- (二)制定和修改除应当由全国人民代表大会制定的法律以外的其他法律;
- (三)在全国人民代表大会闭会期间,对全国人民代表大会制定的法律进行部分补充和修改,但是不得同该法律的基本原则相抵触;
- (四)解释法律;
- (五)在全国人民代表大会闭会期间,审查和批准国民经济和社会发展规划、国家预算在执行过程中所必须作的部分调整方案;
- (六)监督国务院、中央军事委员会、国家监察委员会、最高人民法院和最高人民检察院的工作;
- (七)撤销国务院制定的同宪法、法律相抵触的行政法规、决定和命令;
- (八)撤销省、自治区、直辖市国家权力机关制定的同宪法、法律和行政法规相抵触的地方性法规和决议;
- (九)在全国人民代表大会闭会期间,根据国务院总理的提名,决定部长、委员会主任、审计长、秘书长的人选;

(十)在全国人民代表大会闭会期间,根据中央军事委员会主席的提名,决定中央军事委员会其他组成人员的人选;

(十一)根据国家监察委员会主任的提请,任免国家监察委员会副主任、委员;

(十二)根据最高人民法院院长的提请,任免最高人民法院副院长、审判员、审判委员会委员和军事法院院长;

(十三)根据最高人民检察院检察长的提请,任免最高人民检察院副检察长、检察员、检察委员会委员和军事检察院检察长,并且批准省、自治区、直辖市的人民检察院检察长的任免;

(十四)决定驻外全权代表的任免;

(十五)决定同外国缔结的条约和重要协定的批准和废除;

(十六)规定军人和外交人员的衔级制度和其他专门衔级制度;

(十七)规定和决定授予国家的勋章和荣誉称号;

(十八)决定特赦;

(十九)在全国人民代表大会闭会期间,如果遇到国家遭受武装侵犯或者必须履行国际间共同防止侵略的条约的情况,决定战争状态的宣布;

(二十)决定全国总动员或者局部动员;

(二十一)决定全国或者个别省、自治区、直辖市进入紧急状态;

(二十二)全国人民代表大会授予的其他职权。

Article 67 The Standing Committee of the National People's Congress exercises the following functions and powers:

(1) to interpret the Constitution and supervise its enforcement;

(2) to enact and amend laws, with the exception of those which should be enacted by the National People's Congress;

(3) to partially supplement and amend, when the National People's Congress is not in session, laws enacted by the National People's Congress, provided that the basic principles of these laws are not contravened;

(4) to interpret laws;

(5) to review and approve, when the National People's Congress is not in session, partial adjustments to the plan for national economic and social development or to the State budget that prove necessary in the course of their implementation;

(6) to supervise the work of the State Council, the Central Military Commission, the National Supervision Commission, the Supreme People's Court and the Supreme People's Procuratorate;

(7) to annul those administrative regulations, decisions or orders of the State Council that contravene the Constitution or other laws;

(8) to annul those local regulations or decisions of the organs of state power of provinces, autonomous regions, and municipalities directly under the Central Government that contravene the Constitution, other laws or administrative regulations;

(9) to decide, when the National People's Congress is not in session, on the choice of Ministers in charge of ministries or commissions, the Auditor-General or the Secretary-General of the State Council upon nomination by the Premier of the State Council;

(10) to decide, when the National People's Congress is not in session, on the choice of other members of the Central Military Commission upon nomination by the Chairman of the Commission;

(11) to appoint and remove, at the request of the Director of the National Supervision Commission, the deputy directors and members of the National Supervision Commission;

(12) to appoint or remove, at the recommendation of the President of the Supreme People's Court, the

Vice-Presidents and Judges of the Supreme People's Court, members of its Judicial Committee and the President of the Military Court;

(13) to appoint or remove, at the recommendation of the Procurator-General of the Supreme People's Procuratorate, the Deputy Procurators-General and procurators of the Supreme People's Procuratorate, members of its Procuratorial Committee and the Chief Procurator of the Military Procuratorate, and to approve the appointment or removal of the chief procurators of the people's procuratorates of provinces, autonomous regions, and municipalities directly under the Central Government;

(14) to decide on the appointment or recall of plenipotentiary representatives abroad;

(15) to decide on the ratification or abrogation of treaties and important agreements concluded with foreign states;

(16) to institute systems of titles and ranks for military and diplomatic personnel and of other specific titles and ranks;

(17) to institute State medals and titles of honour and decide on their conferment;

(18) to decide on the granting of special pardons;

(19) to decide, when the National People's Congress is not in session, on the proclamation of a state of war in the event of an armed attack on the country or in fulfillment of international treaty obligations concerning common defence against aggression;

(20) to decide on general or partial mobilization;

(21) to decide on entering into the state of emergency throughout the country or in particular provinces, autonomous regions, or municipalities directly under the Central Government; and

(22) to exercise such other functions and powers as the National People's Congress may assign to it.

第六十八条 全国人民代表大会常务委员会委员长主持全国人民代表大会常务委员会的工作,召集全国人民代表大会常务委员会会议。副委员长、秘书长协助委员长工作。

委员长、副委员长、秘书长组成委员长会议,处理全国人民代表大会常务委员会的重要日常工作。

Article 68 The Chairman of the Standing Committee of the National People's Congress directs the work of the Standing Committee and convenes its meetings. The Vice-Chairmen and the Secretary-General assist the Chairman in his work.

The Chairman, the Vice-Chairmen and the Secretary-General constitute the Council of Chairmen which handles the important day-to-day work of the Standing Committee of the National People's Congress.

第六十九条 全国人民代表大会常务委员会对全国人民代表大会负责并报告工作。

Article 69 The Standing Committee of the National People's Congress is responsible to the National People's Congress and reports on its work to the Congress.

第七十条 全国人民代表大会设立民族委员会、宪法和法律委员会、财政经济委员会、教育科学文化卫生委员会、外事委员会、华侨委员会和其他需要设立的专门委员会。在全国人民代表大会闭会期间,各专门委员会受全国人民代表大会常务委员会的领导。

各专门委员会在全国人民代表大会和全国人民代表大会常务委员会领导下,研究、审议和拟订有关议案。

Article 70 The National People's Congress shall establish an Ethnicity Committee, a Constitution and Law Committee, a Finance and Economic Committee, an Education, Science, Culture and Public Health Committee, a Foreign Affairs Committee, an Overseas Chinese Committee and such other special committees as may be necessary.

The special committees examine, discuss and draw up relevant bills and draft resolutions under the direction of the National People's Congress and its Standing Committee.

第七十一条 全国人民代表大会和全国人民代表大会常务委员会认为必要的时候,可以组织关于特定问题的调查委员会,并且根据调查委员会的报告,作出相应的决议。

调查委员会进行调查的时候,一切有关的国家机关、社会团体和公民都有义务向它提供必要的材料。

Article 71 The National People's Congress and its Standing Committee may, when they deem it necessary, appoint committees of inquiry into specific questions and adopt relevant resolutions in the light of their reports.

All organs of State, public organizations and citizens concerned are obliged to furnish the necessary information to the committees of inquiry when they conduct investigations.

第七十二条 全国人民代表大会代表和全国人民代表大会常务委员会组成人员,有权依照法律规定的程序分别提出属于全国人民代表大会和全国人民代表大会常务委员会职权范围内的议案。

Article 72 Deputies to the National People's Congress and members of its Standing Committee have the right, in accordance with procedures prescribed by law, to submit bills and proposals within the scope of the respective functions and powers of the National People's Congress and its Standing Committee.

第七十三条 全国人民代表大会代表在全国人民代表大会开会期间,全国人民代表大会常务委员会组成人员在常务委员会开会期间,有权依照法律规定的程序提出对国务院或者国务院各部、各委员会的质询案。受质询的机关必须负责答复。

Article 73 Deputies to the National People's Congress and members of the Standing Committee have the right, during the sessions of the Congress and the meetings of the Committee, to address questions, in accordance with procedures prescribed by law, to the State Council or the ministries and commissions under the State Council, which must answer the questions in a responsible manner.

第七十四条 全国人民代表大会代表,非经全国人民代表大会会议主席团许可,在全国人民代表大会闭会期间非经全国人民代表大会常务委员会许可,不受逮捕或者刑事审判。

Article 74 No deputy to the National People's Congress may be arrested or placed on criminal trial without the consent of the Presidium of the current session of the National People's Congress or, when the National People's Congress is not in session, without the consent of its Standing Committee.

第七十五条 全国人民代表大会代表在全国人民代表大会各种会议上的发言和表决,不受法律追究。

Article 75 Deputies to the National People's Congress may not be held legally liable for their speeches or votes at its meetings.

第七十六条 全国人民代表大会代表必须模范地遵守宪法和法律,保守国家秘密,并且在自己参加的生产、工作和社会活动中,协助宪法和法律的实施。

全国人民代表大会代表应当同原选举单位和人民保持密切的联系,听取和反映人民的意见和要求,努力为人民服务。

Article 76 Deputies to the National People's Congress must play an exemplary role in abiding by the Constitution and other laws and keeping State secrets and, in public activities, production and other work, assist in the enforcement of the Constitution and other laws.

Deputies to the National People's Congress should maintain close contact with the units which

elected them and with the people, heed and convey the opinions and demands of the people and work hard to serve them.

第七十七条 全国人民代表大会代表受原选举单位的监督。原选举单位有权依照法律规定的程序罢免本单位选出的代表。

Article 77 Deputies to the National People's Congress are subject to supervision by the units which elected them. The electoral units have the power, through procedures prescribed by law, to recall deputies they elected.

第七十八条 全国人民代表大会和全国人民代表大会常务委员会的组织和工作程序由法律规定。

Article 78 The organization and working procedures of the National People's Congress and its Standing Committee are prescribed by law.

第二节 中华人民共和国主席

Section 2 The President of the People's Republic of China

第七十九条 中华人民共和国主席、副主席由全国人民代表大会选举。

有选举权和被选举权的年满四十五周岁的中华人民共和国公民可以被选为中华人民共和国主席、副主席。

中华人民共和国主席、副主席每届任期同全国人民代表大会每届任期相同。

Article 79 The President and Vice-President of the People's Republic of China are elected by the National People's Congress.

Citizens of the People's Republic of China who have the right to vote and to stand for election and who have reached the age of 45 are eligible for election as President or Vice-President of the People's Republic of China.

The term of office of the President and Vice-President of the People's Republic of China is the same as that of the National People's Congress.

第八十条 中华人民共和国主席根据全国人民代表大会的决定和全国人民代表大会常务委员会的决定,公布法律,任免国务院总理、副总理、国务委员、各部部长、各委员会主任、审计长、秘书长,授予国家的勋章和荣誉称号,发布特赦令,宣布进入紧急状态,宣布战争状态,发布动员令。

Article 80 The President of the People's Republic of China, in pursuance of the decisions of the National People's Congress and its Standing Committee, promulgates statutes, appoints or removes the Premier, Vice-Premiers, State Councillors, Ministers in charge of ministries or commissions, the Auditor-General and the Secretary-General of the State Council; confers State medals and titles of honour; issues orders of special pardons; proclaims entering of the state of emergency; proclaims a state of war; and issues mobilization orders.

第八十一条 中华人民共和国主席代表中华人民共和国,进行国事活动,接受外国使节;根据全国人民代表大会常务委员会的决定,派遣和召回驻外全权代表,批准和废除同外国缔结的条约和重要协定。

Article 81 The President of the People's Republic of China, on behalf of the People's Republic of China, engages in activities involving State affairs and receives foreign diplomatic representatives and, in pursuance of the decisions of the Standing Committee of the National People's Congress, appoints or recalls plenipotentiary representatives abroad, and ratifies or abrogates treaties and important agreements concluded with foreign states.

第八十二条 中华人民共和国副主席协助主席工作。

中华人民共和国副主席受主席的委托,可以代行主席的部分职权。

Article 82 The Vice-President of the People's Republic of China assists the President in his work.

The Vice-President of the People's Republic of China may exercise such functions and powers of the President as the President may entrust to him.

第八十三条 中华人民共和国主席、副主席行使职权到下届全国人民代表大会选出的主席、副主席就职为止。

Article 83 The President and Vice-President of the People's Republic of China exercise their functions and powers until the new President and Vice-President elected by the succeeding National People's Congress assume office.

第八十四条 中华人民共和国主席缺位的时候,由副主席继任主席的职位。

中华人民共和国副主席缺位的时候,由全国人民代表大会补选。

中华人民共和国主席、副主席都缺位的时候,由全国人民代表大会补选;在补选以前,由全国人民代表大会常务委员会委员长暂时代理主席职位。

Article 84 In the event that the office of the President of the People's Republic of China falls vacant, the Vice-President succeeds to the office of the President.

In the event that the office of the Vice-President of the People's Republic of China falls vacant, the National People's Congress shall elect a new Vice-President to fill the vacancy.

In the event that the offices of both the President and the Vice-President of the People's Republic of China fall vacant, the National People's Congress shall elect a new President and a new Vice-President. Prior to such election, the Chairman of the Standing Committee of the National People's Congress shall temporarily act as the President of the People's Republic of China.

第三节 国务院

Section 3 The State Council

第八十五条 中华人民共和国国务院,即中央人民政府,是最高国家权力机关的执行机关,是最高国家行政机关。

Article 85 The State Council, that is, the Central People's Government, of the People's Republic of China is the executive body of the highest organ of state power; it is the highest organ of State administration.

第八十六条 国务院由下列人员组成:

总理,

副总理若干人,

国务委员若干人,

各部部长,

各委员会主任,

审计长,

秘书长。

国务院实行总理负责制。各部、各委员会实行部长、主任负责制。

国务院的组织由法律规定。

Article 86 The State Council is composed of the following:

the Premier;

the Vice-Premiers;

the State Councillors;

the Ministers in charge of ministries;

the Ministers in charge of commissions;

the Auditor-General; and

the Secretary-General.

The Premier assumes overall responsibility for the work of the State Council. The ministers assume overall responsibility for the work of the ministries and commissions.

The organization of the State Council is prescribed by law.

第八十七条 国务院每届任期同全国人民代表大会每届任期相同。

总理、副总理、国务委员连续任职不得超过两届。

Article 87 The term of office of the State Council is the same as that of the National People's Congress.

The Premier, Vice-Premiers and State Councillors shall serve no more than two consecutive terms.

第八十八条 总理领导国务院的工作。副总理、国务委员协助总理工作。

总理、副总理、国务委员、秘书长组成国务院常务会议。

总理召集和主持国务院常务会议和国务院全体会议。

Article 88 The Premier directs the work of the State Council. The Vice-Premiers and State Councillors assist the Premier in his work.

Executive meetings of the State Council are to be attended by the Premier, the Vice-Premiers, the State Councillors and the Secretary-General of the State Council.

The Premier convenes and presides over the executive meetings and plenary meetings of the State Council.

第八十九条 国务院行使下列职权:

(一)根据宪法和法律,规定行政措施,制定行政法规,发布决定和命令;

(二)向全国人民代表大会或者全国人民代表大会常务委员会提出议案;

(三)规定各部和各委员会的任务和职责,统一领导各部和各委员会的工作,并且领导不属于各部和各委员会的全国性的行政工作;

(四)统一领导全国地方各级国家行政机关的工作,规定中央和省、自治区、直辖市的国家行政机关的职权的具体划分;

(五)编制和执行国民经济和社会发展计划和国家预算;

(六)领导和管理经济工作和城乡建设、生态文明建设;

(七)领导和管理教育、科学、文化、卫生、体育和计划生育工作;

(八)领导和管理民政、公安、司法行政等工作;

(九)管理对外事务,同外国缔结条约和协定;

(十)领导和管理国防建设事业;

(十一)领导和管理民族事务,保障少数民族的平等权利和民族自治地方的自治权利;

(十二)保护华侨的正当的权利和利益,保护归侨和侨眷的合法的权利和利益;

- (十三)改变或者撤销各部、各委员会发布的不适当的命令、指示和规章;
- (十四)改变或者撤销地方各级国家行政机关的不适当的决定和命令;
- (十五)批准省、自治区、直辖市的区域划分,批准自治州、县、自治县、市的建置和区域划分;
- (十六)依照法律规定决定省、自治区、直辖市的范围内部分地区进入紧急状态;
- (十七)审定行政机构的编制,依照法律规定任免、培训、考核和奖惩行政人员;
- (十八)全国人民代表大会和全国人民代表大会常务委员会授予的其他职权。

Article 89 The State Council exercises the following functions and powers:

(1)to adopt administrative measures, enact administrative regulations and issue decisions and orders in accordance with the Constitution and other laws;

(2)to submit proposals to the National People's Congress or its Standing Committee;

(3)to formulate the tasks and responsibilities of the ministries and commissions of the State Council, to exercise unified leadership over the work of the ministries and commissions and to direct all other administrative work of a national character that does not fall within the jurisdiction of the ministries and commissions;

(4)to exercise unified leadership over the work of local organs of State administration at various levels throughout the country, and to formulate the detailed division of functions and powers between the Central Government and the organs of State administration of provinces, autonomous regions, and municipalities directly under the Central Government;

(5)to draw up and implement the plan for national economic and social development and the State budget;

(6)to direct and administer economic work, urban-rural construction and the development of ecological civilization;

(7)to direct and administer the affairs of education, science, culture, public health, physical culture and family planning;

(8)to direct and administer civil affairs, public security, judicial administration, and other related matters;

(9)to conduct foreign affairs and conclude treaties and agreements with foreign states;

(10)to direct and administer the building of national defence;

(11)to direct and administer affairs concerning the nationalities and to safeguard the equal rights of minority nationalities and the right to autonomy of the national autonomous areas;

(12)to protect the legitimate rights and interests of Chinese nationals residing abroad and protect the lawful rights and interests of returned overseas Chinese and of the family members of Chinese nationals residing abroad;

(13)to alter or annul inappropriate orders, directives and regulations issued by the ministries or commissions;

(14)to alter or annul inappropriate decisions and orders issued by local organs of State administration at various levels;

(15)to approve the geographic division of provinces, autonomous regions, and municipalities directly under the Central Government, and to approve the establishment and geographic division of autonomous prefectures, counties, autonomous counties, and cities;

(16)in accordance with the provisions of law, to decide on entering into the state of emergency in parts of provinces, autonomous regions, and municipalities directly under the Central Government;

(17)to examine and decide on the size of administrative organs and, in accordance with the provisions of law, to appoint or remove administrative officials, train them, appraise their performance and reward or punish them; and

(18)to exercise such other functions and powers as the National People's Congress or its Standing Committee may assign to it.

第九十条 国务院各部部长、各委员会主任负责本部门的工作;召集和主持部务会议或者委员会会议、委务会议,讨论决定本部门工作的重大问题。

各部、各委员会根据法律和国务院的行政法规、决定、命令,在本部门的权限内,发布命令、指示和规章。

Article 90 Ministers in charge of the ministries or commissions of the State Council are responsible for the work of their respective departments and they convene and preside over ministerial meetings or general and executive meetings of the commissions to discuss and decide on major issues in the work of their respective departments.

The ministries and commissions issue orders, directives and regulations within the jurisdiction of their respective departments and in accordance with law and the administrative regulations, decisions and orders issued by the State Council.

第九十一条 国务院设立审计机关,对国务院各部门和地方各级政府的财政收支,对国家的财政金融机构和企业事业组织的财务收支,进行审计监督。

审计机关在国务院总理领导下,依照法律规定独立行使审计监督权,不受其他行政机关、社会团体和个人的干涉。

Article 91 The State Council establishes an auditing body to supervise through auditing the revenue and expenditure of all departments under the State Council and of the local governments at various levels, and the revenue and expenditure of all financial and monetary organizations, enterprises and institutions of the State.

Under the direction of the Premier of the State Council and in accordance with the provisions of law, the auditing body independently exercises its power of supervision through auditing, subject to no interference by any other administrative organ or any public organization or individual.

第九十二条 国务院对全国人民代表大会负责并报告工作;在全国人民代表大会闭会期间,对全国人民代表大会常务委员会负责并报告工作。

Article 92 The State Council is responsible and reports on its work to the National People's Congress or, when the National People's Congress is not in session, to its Standing Committee.

第四节 中央军事委员会

Section 4 The Central Military Commission

第九十三条 中华人民共和国中央军事委员会领导全国武装力量。

中央军事委员会由下列人员组成:

主席,

副主席若干人,

委员若干人。

中央军事委员会实行主席负责制。

中央军事委员会每届任期同全国人民代表大会每届任期相同。

Article 93 The Central Military Commission of the People's Republic of China directs the armed forces of the country.

The Central Military Commission is composed of the following:

the Chairman;
the Vice-Chairmen; and
the members.

The Chairman assumes overall responsibility for the work of the Central Military Commission.

The term of office of the Central Military Commission is the same as that of the National People's Congress.

第九十四条 中央军事委员会主席对全国人民代表大会和全国人民代表大会常务委员会负责。

第五节 地方各级人民代表大会和地方各级人民政府

Article 94 The Chairman of the Central Military Commission is responsible to the National People's Congress and its Standing Committee.

Section 5 The Local People's Congresses and Local People's Governments at Various Levels

第九十五条 省、直辖市、县、市、市辖区、乡、民族乡、镇设立人民代表大会和人民政府。

地方各级人民代表大会和地方各级人民政府的组织由法律规定。

自治区、自治州、自治县设立自治机关。自治机关的组织和工作根据宪法第三章第五节、第六节规定的基本原则由法律规定。

Article 95 People's congresses and people's governments are established in provinces, municipalities directly under the Central Government, counties, cities, municipal districts, townships, nationality townships, and towns.

The organization of local people's congresses and local people's governments at various levels is prescribed by law.

Organs of self-government are established in autonomous regions, autonomous prefectures and autonomous counties. The organization and working procedures of organs of self-government are prescribed by law in accordance with the basic principles laid down in Sections 5 and 6 of Chapter III of the Constitution.

第九十六条 地方各级人民代表大会是地方国家权力机关。

县级以上地方各级人民代表大会设立常务委员会。

Article 96 Local people's congresses at various levels are local organs of state power.

Local people's congresses at or above the county level establish standing committees.

第九十七条 省、直辖市、设区的市的人民代表大会代表由下一级的人民代表大会选举;县、不设区的市、市辖区、乡、民族乡、镇的人民代表大会代表由选民直接选举。

地方各级人民代表大会代表名额和代表产生办法由法律规定。

Article 97 Deputies to the people's congresses of provinces, municipalities directly under the Central Government and cities divided into districts are elected by the people's congresses at the next lower level; deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, nationality townships, and towns are elected directly by their constituencies.

The number of deputies to local people's congresses at various levels and the manner of their election are prescribed by law.

第九十八条 地方各级人民代表大会每届任期五年。

Article 98 The term of office of the local people's congresses at various levels is five years.

第九十九条 地方各级人民代表大会在本行政区域内,保证宪法、法律、行政法规的遵守和执行;依照法律规定的权限,通过和发布决议,审查和决定地方的经济建设、文化建设和公共事业建设的计划。

县级以上的地方各级人民代表大会审查和批准本行政区域内的国民经济和社会发展规划、预算以及它们的执行情况;有权改变或者撤销本级人民代表大会常务委员会不适当的决定。

民族乡的人民代表大会可以依照法律规定的权限采取适合民族特点的具体措施。

Article 99 Local people's congresses at various levels ensure the observance and implementation of the Constitution and other laws and the administrative regulations in their respective administrative areas. Within the limits of their authority as prescribed by law, they adopt and issue resolutions and examine and decide on plans for local economic and cultural development and for the development of public services.

Local people's congresses at or above the county level shall examine and approve the plans for economic and social development and the budgets of their respective administrative areas and examine and approve the reports on their implementation. They have the power to alter or annul inappropriate decisions of their own standing committees.

The people's congresses of nationality townships may, within the limits of their authority as prescribed by law, take specific measures suited to the characteristics of the nationalities concerned.

第一百条 省、直辖市的人民代表大会和它们的常务委员会,在不同宪法、法律、行政法规相抵触的前提下,可以制定地方性法规,报全国人民代表大会常务委员会备案。

设区的市的人民代表大会和它们的常务委员会,在不同宪法、法律、行政法规和本省、自治区的地方性法规相抵触的前提下,可以依照法律规定制定地方性法规,报本省、自治区人民代表大会常务委员会批准后施行。

Article 100 The people's congresses of provinces, and municipalities directly under the Central Government, and their standing committees may adopt local regulations, which must not contravene the Constitution and other laws and administrative regulations, and they shall report such local regulations to the Standing Committee of the National People's Congress for the record.

The people's congress of a city with districts and its standing committee may formulate local regulations pursuant to the law under the premise that such local regulations are not in conflict with the Constitution, laws, administrative regulations and the local regulations of its local province or autonomous region. The local regulations so formulated shall come into effect after being submitted to the standing committee of the people's congress of the local province or autonomous region for approval.

第一百零一条 地方各级人民代表大会分别选举并且有权罢免本级人民政府的省长和副省长、市长和副市长、县长和副县长、区长和副区长、乡长和副乡长、镇长和副镇长。

县级以上的地方各级人民代表大会选举并且有权罢免本级监察委员会主任、本级人民法院院长和本级人民检察院检察长。选出或者罢免人民检察院检察长,须报上级人民检察院检察长提请该级人民代表大会常务委员会批准。

Article 101 Local people's congresses at their respective levels elect and have the power to recall governors and deputy governors, or mayors and deputy mayors, or heads and deputy heads of counties, districts, townships and towns.

Local people's congresses at and above the county level shall elect, and be empowered to dismiss, directors of supervision commissions, presidents of the people's courts and chief procurators of the people's procuratorates at the corresponding level. The election or recall of chief procurators of people's procuratorates shall be reported to the chief procurators of the people's procuratorates at the next higher

level for submission to the standing committees of the people's congresses at the corresponding level for approval.

第一百零二条 省、直辖市、设区的市的人民代表大会代表受原选举单位的监督;县、不设区的市、市辖区、乡、民族乡、镇的人民代表大会代表受选民的监督。

地方各级人民代表大会代表的选举单位和选民有权依照法律规定的程序罢免由他们选出的代表。

Article 102 Deputies to the people's congresses of provinces, municipalities directly under the Central Government and cities divided into districts are subject to supervision by the units which elected them; deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, nationality townships, and towns are subject to supervision by their constituencies.

The units and constituencies which elect deputies to local people's congresses at various levels have the power to recall the deputies according to procedures prescribed by law.

第一百零三条 县级以上的地方各级人民代表大会常务委员会由主任、副主任若干人和委员若干人组成,对本级人民代表大会负责并报告工作。

县级以上的地方各级人民代表大会选举并有权罢免本级人民代表大会常务委员会的组成人员。

县级以上的地方各级人民代表大会常务委员会的组成人员不得担任国家行政机关、监察机关、审判机关和检察机关的职务。

Article 103 The standing committee of a local people's congress at or above the county level is composed of a chairman, vice-chairmen and members, and is responsible and reports on its work to the people's congress at the corresponding level.

A local people's congress at or above the county level elects, and has the power to recall, members of its standing committee.

No member of the standing committee of a local people's congress at or above the county level may hold office in any administrative, supervisory, judicial or procuratorial organ of the State.

第一百零四条 县级以上的地方各级人民代表大会常务委员会讨论、决定本行政区域内各方面工作的重大事项;监督本级人民政府、监察委员会、人民法院和人民检察院的工作;撤销本级人民政府的不适当的决定和命令;撤销下一级人民代表大会的不适当的决议;依照法律规定的权限决定国家机关工作人员的任免;在本级人民代表大会闭会期间,罢免和补选上一级人民代表大会的个别代表。

Article 104 The standing committee of a local people's congress at or above the county level shall discuss and decide on major issues in all fields of work in its administrative regions; supervise the work of the people's government, the supervision commission, the people's court and the people's procuratorate at the corresponding level; repeal the inappropriate decisions and orders of the people's government at the corresponding level; repeal the inappropriate resolutions of the people's congress at the next lower level; decide on the appointment and removal of State functionaries within the scope of authority prescribed by law; and, dismiss individual delegates to, and elect individual delegates to fill vacancies of, the people's congress at the next higher level when the people's congress at the corresponding level is not in session.

第一百零五条 地方各级人民政府是地方各级国家权力机关的执行机关,是地方各级国家行政机关。地方各级人民政府实行省长、市长、县长、区长、乡长、镇长负责制。

Article 105 Local people's governments at various levels are the executive bodies of local organs of state power as well as the local organs of State administration at the corresponding levels.

Governors, mayors and heads of counties, districts, townships and towns assume overall

responsibility for local people's governments at various levels.

第一百零六条 地方各级人民政府每届任期同本级人民代表大会每届任期相同。

Article 106 The term of office of local people's governments at various levels is the same as that of the people's congresses at the corresponding levels.

第一百零七条 县级以上地方各级人民政府依照法律规定的权限,管理本行政区域内的经济、教育、科学、文化、卫生、体育事业、城乡建设事业和财政、民政、公安、民族事务、司法行政、计划生育等行政工作,发布决定和命令,任免、培训、考核和奖惩行政工作人员。

乡、民族乡、镇的人民政府执行本级人民代表大会的决议和上级国家行政机关的决定和命令,管理本行政区域内的行政工作。

省、直辖市的人民政府决定乡、民族乡、镇的建置和区域划分。

Article 107 Local people's governments at or above the county level, within the limits of their authority as prescribed by law, conduct administrative work concerning the economy, education, science, culture, public health, physical culture, urban and rural development, finance, civil affairs, public security, nationalities affairs, judicial administration, and family planning in their respective administrative areas; issue decisions and orders; appoint or remove administrative functionaries, train them, appraise their performance and reward or punish them.

People's governments of townships, nationality townships, and towns execute the resolutions of the people's congresses at the corresponding levels as well as the decisions and orders of the State administrative organs at the next higher level and conduct administrative work in their respective administrative areas.

People's governments of provinces, and of municipalities directly under the Central Government decide on the establishment and geographic division of townships, nationality townships, and towns.

第一百零八条 县级以上的地方各级人民政府领导所属各工作部门和下级人民政府的工作,有权改变或者撤销所属各工作部门和下级人民政府的不适当的决定。

Article 108 Local people's governments at or above the county level direct the work of their subordinate departments and of people's governments at lower levels, and have the power to alter or annul inappropriate decisions of their subordinate departments and of the people's governments at lower levels.

第一百零九条 县级以上的地方各级人民政府设立审计机关。地方各级审计机关依照法律规定独立行使审计监督权,对本级人民政府和上一级审计机关负责。

Article 109 Auditing bodies are established by local people's governments at or above the county level. Local auditing bodies at various levels, independently and in accordance with the provisions of law, exercise their power of supervision through auditing and are responsible to the people's government at the corresponding level and to the auditing body at the next higher level.

第一百一十条 地方各级人民政府对本级人民代表大会负责并报告工作。县级以上的地方各级人民政府在本级人民代表大会闭会期间,对本级人民代表大会常务委员会负责并报告工作。

地方各级人民政府对上一级国家行政机关负责并报告工作。全国地方各级人民政府都是国务院统一领导下的国家行政机关,都服从国务院。

Article 110 Local people's governments at various levels are responsible and report on their work to people's congresses at the corresponding levels. Local people's governments at or above the

county level are responsible and report on their work to the standing committees of the people's congresses at the corresponding levels when the congresses are not in session.

Local people's governments at various levels are responsible and report on their work to the State administrative organs at the next higher level. Local people's governments at various levels throughout the country are State administrative organs under the unified leadership of the State Council and are subordinate to it.

第一百一十一条 城市和农村按居民居住地区设立的居民委员会或者村民委员会是基层群众性自治组织。居民委员会、村民委员会的主任、副主任和委员由居民选举。居民委员会、村民委员会同基层政权的相互关系由法律规定。

居民委员会、村民委员会设人民调解、治安保卫、公共卫生等委员会，办理本居住地区的公共事务和公益事业，调解民间纠纷，协助维护社会治安，并且向人民政府反映群众的意见、要求和提出建议。

Article 111 The residents committees and villagers committees established among urban and rural residents on the basis of their place of residence are mass organizations of self-management at the grass-roots level. The chairman, vice-chairmen and members of each residents or villagers committee are elected by the residents. The relationship between the residents and villagers committees and the grass-roots organs of state power is prescribed by law.

The residents and villagers committees establish sub-committees for people's mediation, public security, public health and other matters in order to manage public affairs and social services in their areas, mediate civil disputes, help maintain public order and convey residents' opinions and demands and make suggestions to the people's government.

第六节 民族自治地方的自治机关

Section 6 The Organs of Self-Government of National Autonomous Areas

第一百一十二条 民族自治地方的自治机关是自治区、自治州、自治县的人民代表大会和人民政府。

Article 112 The organs of self-government of national autonomous areas are the people's congresses and people's governments of autonomous regions, autonomous prefectures and autonomous counties.

第一百一十三条 自治区、自治州、自治县的人民代表大会中，除实行区域自治的民族的代表外，其他居住在本行政区域内的民族也应当有适当名额的代表。

自治区、自治州、自治县的人民代表大会常务委员会中应当有实行区域自治的民族的公民担任主任或者副主任。

Article 113 In the people's congress of an autonomous region, autonomous prefecture or autonomous county, in addition to the deputies of the nationality exercising regional autonomy in the administrative area, the other nationalities inhabiting the area are also entitled to appropriate representation.

Among the chairman and vice-chairmen of the standing committee of the people's congress of an autonomous region, autonomous prefecture or autonomous county there shall be one or more citizens of the nationality or nationalities exercising regional autonomy in the area concerned.

第一百一十四条 自治区主席、自治州州长、自治县县长由实行区域自治的民族的公民担任。

Article 114 The chairman of an autonomous region, the prefect of an autonomous prefecture or the head of an autonomous county shall be a citizen of the nationality exercising regional autonomy in

the area concerned.

第一百一十五条 自治区、自治州、自治县的自治机关行使宪法第三章第五节规定的地方国家机关的职权,同时依照宪法、民族区域自治法和其他法律规定的权限行使自治权,根据本地方实际情况贯彻执行国家的法律、政策。

Article 115 The organs of self-government of autonomous regions, autonomous prefectures and autonomous counties exercise the functions and powers of local organs of State as specified in Section 5 of Chapter III of the Constitution. At the same time, they exercise the power of autonomy within the limits of their authority as prescribed by the Constitution, the Law of the People's Republic of China on Regional National Autonomy and other laws and implement the laws and policies of the State in the light of the existing local situation.

第一百一十六条 民族自治地方的人民代表大会有权依照当地民族的政治、经济和文化的特点,制定自治条例和单行条例。自治区的自治条例和单行条例,报全国人民代表大会常务委员会批准后生效。自治州、自治县的自治条例和单行条例,报省或者自治区的人民代表大常务委员会批准后生效,并报全国人民代表大会常务委员会备案。

Article 116 The people's congresses of national autonomous areas have the power to enact regulations on the exercise of autonomy and other separate regulations in the light of the political, economic and cultural characteristics of the nationality or nationalities in the areas concerned. The regulations on the exercise of autonomy and other separate regulations of autonomous regions shall be submitted to the Standing Committee of the National People's Congress for approval before they go into effect. Those of autonomous prefectures and counties shall be submitted to the standing committees of the people's congresses of provinces or autonomous regions for approval before they go into effect, and they shall be reported to the Standing Committee of the National People's Congress for the record.

第一百一十七条 民族自治地方的自治机关有管理地方财政的自治权。凡是依照国家财政体制属于民族自治地方的财政收入,都应当由民族自治地方的自治机关自主地安排使用。

Article 117 The organs of self-government of the national autonomous areas have the power of autonomy in administering the finances of their areas. All revenues accruing to the national autonomous areas under the financial system of the State shall be managed and used by the organs of self-government of those areas on their own.

第一百一十八条 民族自治地方的自治机关在国家计划的指导下,自主地安排和管理地方性的经济建设事业。

国家在民族自治地方开发资源、建设企业的时候,应当照顾民族自治地方的利益。

Article 118 The organs of self-government of the national autonomous areas independently arrange for and administer local economic development under the guidance of State plans.

In exploiting natural resources and building enterprises in the national autonomous areas, the State shall give due consideration to the interests of those areas.

第一百一十九条 民族自治地方的自治机关自主地管理本地方的教育、科学、文化、卫生、体育事业,保护和整理民族的文化遗产,发展和繁荣民族文化。

Article 119 The organs of self-government of the national autonomous areas independently administer educational, scientific, cultural, public health and physical culture affairs in their respective areas, protect and sift through the cultural heritage of the nationalities and work for a vigorous

development of their cultures.

第一百二十条 民族自治地方的自治机关依照国家的军事制度和当地的实际需要,经国务院批准,可以组织本地方维护社会治安的公安部队。

Article 120 The organs of self-government of the national autonomous areas may, according to the military system of the State and practical local needs and with the approval of the State Council, organize local public security forces for the maintenance of public order.

第一百二十一条 民族自治地方的自治机关在执行职务的时候,依照本民族自治地方自治条例的规定,使用当地通用的一种或者几种语言文字。

Article 121 In performing their functions, the organs of self-government of the national autonomous areas, in accordance with the provisions of the regulations on the exercise of autonomy in those areas, employ the spoken and written language or languages in common use in the locality.

第一百二十二条 国家从财政、物资、技术等方面帮助各少数民族加速发展经济建设和文化建设事业。

国家帮助民族自治地方从当地民族中大量培养各级干部、各种专业人才和技术工人。

Article 122 The State provides financial, material and technical assistance to the minority nationalities to help accelerate their economic and cultural development.

The State helps ethnic autonomous areas to cultivate a large number of cadres, professionals and skilled workers from local ethnic groups.

第七节 监察委员会

Section 7: Supervision Commissions

第一百二十三条 中华人民共和国各级监察委员会是国家的监察机关。

Article 123 Supervision commissions at all levels of the People's Republic of China shall be the supervisory organs of the State.

第一百二十四条 中华人民共和国设立国家监察委员会和地方各级监察委员会。

监察委员会由下列人员组成:

主任,

副主任若干人,

委员若干人。

监察委员会主任每届任期同本级人民代表大会每届任期相同。国家监察委员会主任连续任职不得超过两届。

监察委员会的组织和职权由法律规定。

Article 124 The People's Republic of China shall establish a National Supervision Commission and local supervision commissions at all levels.

A supervision commission shall consist of the following personnel:

One director,

Several deputy directors, and

Several members.

The term of office of the director of a supervision commission shall be the same as that of the people's congress at the corresponding level. The director of the National Supervision Commission

shall not serve more than two consecutive terms.

The organization and authority of a supervision commission shall be prescribed by law.

第一百二十五条 中华人民共和国国家监察委员会是最高监察机关。

国家监察委员会领导地方各级监察委员会的工作,上级监察委员会领导下级监察委员会的工作。

Article 125 The National Supervision Commission of the People's Republic of China shall be the supreme supervisory organ of the State.

The National Supervision Commission shall direct the work of local supervision commissions at all levels. A superior supervision commission shall direct the work of a lower-level supervision commission.

第一百二十六条 国家监察委员会对全国人民代表大会和全国人民代表大会常务委员会负责。地方各级监察委员会对产生它的国家权力机关和上一级监察委员会负责。

Article 126 The National Supervision Commission shall be accountable to the National People's Congress and the Standing Committee of the National People's Congress. A local supervision commission at any level shall be accountable to the organ of State power which created it and the relevant supervision commission at the next higher level.

第一百二十七条 监察委员会依照法律规定独立行使监察权,不受行政机关、社会团体和个人的干涉。

监察机关办理职务违法和职务犯罪案件,应当与审判机关、检察机关、执法部门互相配合,互相制约。

Article 127 A supervision commission shall exercise supervisory power independently in accordance with the law, and shall be free from any interference by any administrative organ, social organization and individual.

When handling cases of occupation-related illegal and criminal activities, a supervisory organ shall cooperate with judicial organs, procuratorial organs and law enforcement departments, and act as checks and balances against each other.

第八节 人民法院和人民检察院

Section 8 The People's Courts and the People's Procuratorates

第一百二十八条 中华人民共和国人民法院是国家的审判机关。

Article 128 The people's courts of the People's Republic of China are the judicial organs of the State.

第一百二十九条 中华人民共和国设立最高人民法院、地方各级人民法院和军事法院等专门人民法院。

最高人民法院院长每届任期同全国人民代表大会每届任期相同,连续任职不得超过两届。

人民法院的组织由法律规定。

Article 129 The People's Republic of China establishes the Supreme People's Court and the people's courts at various local levels, military courts and other special people's courts.

The term of office of the President of the Supreme People's Court is the same as that of the National People's Congress. The President shall serve no more than two consecutive terms.

The organization of the people's courts is prescribed by law.

第一百三十条 人民法院审理案件,除法律规定的特殊情况外,一律公开进行。被告人有权获得辩护。

Article 130 Except in special circumstances as specified by law, all cases in the people's courts are heard in public. The accused has the right to defence.

第一百三十一条 人民法院依照法律规定独立行使审判权,不受行政机关、社会团体和个人的干涉。

Article 131 The people's courts exercise judicial power independently, in accordance with the provisions of law, and not subject to interference by any administrative organ, public organization or individual.

第一百三十二条 最高人民法院是最高审判机关。

最高人民法院监督地方各级人民法院和专门人民法院的审判工作,上级人民法院监督下级人民法院的审判工作。

Article 132 The Supreme People's Court is the highest judicial organ.

The Supreme People's Court supervises the administration of justice by the people's courts at various local levels and by the special people's courts. People's courts at higher levels supervise the administration of justice by those at lower levels.

第一百三十三条 最高人民法院对全国人民代表大会和全国人民代表大会常务委员会负责。地方各级人民法院对产生它的国家权力机关负责。

Article 133 The Supreme People's Court is responsible to the National People's Congress and its Standing Committee. Local people's courts at various levels are responsible to the organs of state power which created them.

第一百三十四条 中华人民共和国人民检察院是国家的法律监督机关。

Article 134 The people's procuratorates of the People's Republic of China are State organs for legal supervision.

第一百三十五条 中华人民共和国设立最高人民检察院、地方各级人民检察院和军事检察院等专门人民检察院。

最高人民检察院检察长每届任期同全国人民代表大会每届任期相同,连续任职不得超过两届。

人民检察院的组织由法律规定。

Article 135 The People's Republic of China establishes the Supreme People's Procuratorate and the people's procuratorates at various local levels, military procuratorates and other special people's procuratorates.

The term of office of the Procurator-General of the Supreme People's Procuratorate is the same as that of the National People's Congress; the Procurator-General shall serve no more than two consecutive terms.

The organization of the people's procuratorates is prescribed by law.

第一百三十六条 人民检察院依照法律规定独立行使检察权,不受行政机关、社会团体和个人的干涉。

Article 136 The people's procuratorates exercise procuratorial power independently, in accordance with the provisions of law, and not subject to interference by any administrative organ, public organization or individual.

第一百三十七条 最高人民检察院是最高检察机关。

最高人民检察院领导地方各级人民检察院和专门人民检察院的工作,上级人民检察院领导下级人民检察院的工作。

Article 137 The Supreme People's Procuratorate is the highest procuratorial organ.

The Supreme People's Procuratorate directs the work of the people's procuratorates at various local levels and of the special people's procuratorates. People's procuratorates at higher levels direct the work of those at lower levels.

第一百三十八条 最高人民检察院对全国人民代表大会和全国人民代表大会常务委员会负责。地方各级人民检察院对产生它的国家权力机关和上级人民检察院负责。

Article 138 The Supreme People's Procuratorate is responsible to the National People's Congress and its Standing Committee. People's procuratorates at various local levels are responsible to the organs of state power which created them and to the people's procuratorates at higher levels.

第一百三十九条 各民族公民都有用本民族语言文字进行诉讼的权利。人民法院和人民检察院对于不通晓当地通用的语言文字的诉讼参与人,应当为他们翻译。

在少数民族聚居或者多民族共同居住的地区,应当用当地通用的语言进行审理;起诉书、判决书、布告和其他文书应当根据实际需要使用当地通用的一种或者几种文字。

Article 139 Citizens of all China's nationalities have the right to use their native spoken and written languages in court proceedings. The people's courts and people's procuratorates should provide translation for any party to the court proceedings who is not familiar with the spoken or written languages commonly used in the locality.

In an area where people of a minority nationality live in a concentrated community or where a number of nationalities live together, court hearings should be conducted in the language or languages commonly used in the locality; indictments, judgments, notices and other documents should be written, according to actual needs, in the language or languages commonly used in the locality.

第一百四十条 人民法院、人民检察院和公安机关办理刑事案件,应当分工负责,互相配合,互相制约,以保证准确有效地执行法律。

Article 140 The people's courts, the people's procuratorates and the public security organs shall, in handling criminal cases, divide their functions, each taking responsibility for its own work, and they shall coordinate their efforts and check each other to ensure the correct and effective enforcement of law.

第四章 国旗、国歌、国徽、首都

Chapter IV The National Flag, the National Anthem, the National Emblem and the Capital

第一百四十一条 中华人民共和国国旗是五星红旗。

中华人民共和国国歌是《义勇军进行曲》。

Article 141 The national flag of the People's Republic of China is a red flag with five stars. The national anthem of the People's Republic of China is the March of the Volunteers.

第一百四十二条 中华人民共和国国徽,中间是五星照耀下的天安门,周围是谷穗和齿轮。

Article 142 The national emblem of the People's Republic of China consists of an image of

Tian'anmen in its centre illuminated by five stars and encircled by ears of grain and a cogwheel.

第一百四十三条 中华人民共和国首都是北京。

Article 143 The capital of the People's Republic of China is Beijing.

ENGLISH TRANSLATION BY THE GENERAL OFFICE OF THE LEGISLATIVE AFFAIRS
COMMISSION, THE STANDING COMMITTEE OF THE NATIONAL PEOPLE'S CONGRESS.
LICENSED FOR USE AS OF MARCH 2009.

中华人民共和国全国人民代表大会和地方各级人民代表大会代表法

Law of the People's Republic of China on Deputies to the National People's Congress and to the Local People's Congresses at Various Levels

颁布机关: 全国人民代表大会常务委员会
Promulgating Institution: Standing Committee of the National People's Congress

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中华人民共和国主席令
第三十三号

《全国人民代表大会常务委员会关于修改〈中华人民共和国地方各级人民代表大会和地方各级人民政府组织法〉、〈中华人民共和国全国人民代表大会和地方各级人民代表大会选举法〉、〈中华人民共和国全国人民代表大会和地方各级人民代表大会代表法〉的决定》已由中华人民共和国第十二届全国人民代表大会常务委员会第十六次会议于2015年8月29日通过，现予公布，自公布之日起施行。

中华人民共和国主席 习近平
2015年8月29日

Order No. 33 of the President of the People's Republic of China

The Decision of the Standing Committee of the National People's Congress on Revising the "Organic Law of the People's Republic of China on Local People's Congresses at All Levels and Local People's Governments at All Levels", the "Electoral Law of the People's Republic of China on the National People's Congress and Local People's Congresses at All Levels" and the "Law of the People's Republic of China on Deputies to the National People's Congress and Deputies to Local People's Congresses at All Levels", adopted at the 16th Session of the Standing Committee of the 12th National People's Congress of the People's Republic of China on August 29, 2015, is hereby promulgated and shall come into effect on the date of promulgation.

President of the People's Republic of China Xi Jinping
August 29, 2015

中华人民共和国全国人民代表大会和地方各级人民代表大会代表法

Law of the People's Republic of China on Deputies to the National People's Congress and to the Local People's Congresses at Various Levels

(1992年4月3日第七届全国人民代表大会第五次会议通过 根据2009年8月27日第十一届全国人民代表大会常务委员会第十次会议《关于修改部分法律的决定》第一次修正 根据2010年10月28日第十一届全国人民代表大会常务委员会第十七次会议《关于修改〈中华人民共和国全国人民代表大会和地方各级人民代表大会代表法〉的决定》第二次修正 根据2015年8月29日第十二届全国人民代表大会常务委员会第十六次会议《关于修改〈中华人民共和国地方各级人民代表大会和地方各级人民政府组织法〉、〈中华人民共和国全国人民代表大会和地方各级人民代表大会选举法〉、〈中华人民共和国全国人民代表大会和地方各级人民代表大会代表法〉的决定》第三次修正)

(Adopted at the Fifth Session of the Seventh National People's Congress on April 3, 1992; revised for the first time in accordance with the Decision of the Standing Committee of the National People's Congress on Revising Certain Laws promulgated on August 27, 2009; revised for the second time in accordance with the Decision of the Standing Committee of the National People's Congress on Amending the "Law of the People's Republic of China on Deputies to the National People's Congress and to the Local People's Congresses at Various Levels" promulgated on October 28, 2010 and revised for the second time in accordance with the Decision of the Standing Committee of the National People's Congress on Revising the "Organic Law of the People's Republic of China on Local People's Congresses at All Levels and Local People's Governments at All Levels", the "Electoral Law of the People's Republic of China on the National People's Congress and Local People's Congresses at All Levels" and the "Law of the People's Republic of China on Deputies to the National People's Congress and Deputies to Local People's Congresses at All Levels", adopted at the 16th Session of the Standing Committee of the 12th National People's Congress of the People's Republic of China on August 29, 2015 .)

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第一章 总则

Chapter I: General Provisions

第一条 为保证全国人民代表大会和地方各级人民代表大会代表依法行使代表的职权,履行代表的义务,发挥代表作用,根据宪法,制定本法。

Article 1 This Law is formulated in accordance with the Constitution to ensure that deputies to the National People's Congress and deputies to the local people's congresses at various levels exercise

their functions and powers, fulfill their duties and play their roles, according to law and in their capacity as deputies.

第二条 全国人民代表大会和地方各级人民代表大会代表依照法律规定选举产生。

全国人民代表大会代表是最高国家权力机关组成人员,地方各级人民代表大会代表是地方各级国家权力机关组成人员。

全国人民代表大会和地方各级人民代表大会代表,代表人民的利益和意志,依照宪法和法律赋予本级人民代表大会的各项职权,参加行使国家权力。

Article 2 Deputies to the National People's Congress and to the local people's congresses at various levels shall be elected according to law.

Deputies to the National People's Congress are component members of the highest organ of State power, and deputies to the local people's congresses at various levels are component members of the organs of State power at the corresponding levels.

Deputies to the National People's Congress and to the local people's congresses at various levels shall, representing the interests and will of the people, participate in the exercise of State power in accordance with the functions and powers vested in the people's congresses at the corresponding levels by the Constitution and relevant laws.

第三条 代表享有下列权利:

- (一)出席本级人民代表大会会议,参加审议各项议案、报告和其他议题,发表意见;
- (二)依法联名提出议案、质询案、罢免案等;
- (三)提出对各方面工作的建议、批评和意见;
- (四)参加本级人民代表大会的各项选举;
- (五)参加本级人民代表大会的各项表决;
- (六)获得依法执行代表职务所需的信息和各项保障;
- (七)法律规定的其他权利。

Article 3 Deputies shall enjoy the following rights:

- (1) attend sessions of the people's congress at the corresponding level, as well as participate in the deliberations of all proposals, reports and other subject matters, and express their opinions;
- (2) jointly put forward proposals, inquiries and proposals of removal from office in accordance with the law;
- (3) put forward recommendations, criticisms and opinions on various tasks;
- (4) participate in all elections of the people's congresses at the corresponding level;
- (5) participate in the casting of various votes at the people's congresses of the corresponding level;
- (6) obtain required information and various guarantees in exercising the duties of a deputy in accordance with the law;
- (7) other rights stipulated by the law.

第四条 代表应当履行下列义务:

- (一)模范地遵守宪法和法律,保守国家秘密,在自己参加的生产、工作和社会活动中,协助宪法和法律的实施;
- (二)按时出席本级人民代表大会会议,认真审议各项议案、报告和其他议题,发表意见,做好会议期间的各项工作;
- (三)积极参加统一组织的视察、专题调研、执法检查等履职活动;
- (四)加强履职学习和调查研究,不断提高执行代表职务的能力;

(五)与原选区选民或者原选举单位和人民群众保持密切联系,听取和反映他们的意见和要求,努力为人民服务;

(六)自觉遵守社会公德,廉洁自律,公道正派,勤勉尽责;

(七)法律规定的其他义务。

Article 4 A deputy shall carry out the following duties:

(1) play an exemplary role in abiding by the Constitution and the law, and keep State secrets, as well as assist in the implementation of the Constitution and the law in the production, work and social activities in which he or she participates;

(2) attend sessions of the people's congress at the corresponding level punctually, and conscientiously deliberate all proposals, reports and other subject matters, express opinions, and perform all tasks conscientiously during the sessions;

(3) actively participate in performing the duties of a deputy that are centrally organized such as inspections, thematic surveys and research, and enforcement checks;

(4) strengthen the learning of duties as a deputy as well as survey and research, and continually raise their capability in carrying out the duties of a deputy;

(5) maintain close contact with the voters of their home constituencies or electoral units as well as the people and the public, listen to, and reflect their opinions and requests, conscientiously serve the people;

(6) consciously abide by social ethics, be honest and self-disciplined, just and upright, as well as diligent and responsible;

(7) other duties stipulated by the law.

第五条 代表在本级人民代表大会会议期间的工作和在本级人民代表大会闭会期间的活动,都是执行代表职务。

国家和社会为代表执行代表职务提供保障。

代表不脱离各自的生产和工作。代表出席本级人民代表大会会议,参加闭会期间统一组织的履职活动,应当安排好本人的生产和工作,优先执行代表职务。

Article 5 Deputies' work carried out according to the provisions of this Law, when the people's congresses at the corresponding levels are in session, and their activities conducted according to the provisions of this Law, when the people's congresses at the corresponding levels are not in session, shall all constitute the performance of their functions as deputies.

The State and society shall provide guarantees for deputies in their performance of functions as deputies.

Deputies shall not be removed from their respective production and work. Deputies shall properly arrange their production and work and give priority to the performance of duties as a deputy when attending sessions of the people's congress at the corresponding level, as well as participating in the performance of duties as a deputy that are centrally organized during the period when the people's congresses are not in session.

第六条 代表受原选区选民或者原选举单位的监督。

Article 6 Deputies shall be supervised by the voters of their home constituencies or electoral units.

第二章 代表在本级人民代表大会会议期间的工作

Chapter II: Work of Deputies During a Session of the People's Congress at the Corresponding

Level

第七条 代表应当按时出席本级人民代表大会会议。代表因健康等特殊原因不能出席会议的,应当按照规定请假。

代表在出席本级人民代表大会会议前,应当听取人民群众的意见和建议,为会议期间执行代表职务做好准备。

Article 7 Deputies shall attend sessions of the people's congress at the corresponding level on time. Deputies who are unable to attend the sessions due to special reasons such as health shall apply for leave of absence according to regulations.

Prior to attending a session of the people's congress at the corresponding level, deputies shall listen to the opinions and recommendations of the people and the public, and shall be well-prepared to perform the duties of a deputy during the period when the people's congress is at session.

第八条 代表参加大会全体会议、代表团全体会议、小组会议,审议列入会议议程的各项议案和报告。

代表可以被推选或者受邀请列席主席团会议、专门委员会会议,发表意见。

代表应当围绕会议议题发表意见,遵守议事规则。

Article 8 Deputies when attending plenary meetings of the general assembly, plenary sessions of a delegation, and small group sessions shall deliberate all proposals and reports listed in the agenda of the sessions.

Deputies may attend, upon recommendation or invitation, and as nonvoting participants, meetings of the Presidium or meetings of the special committees and advance their opinions.

Deputies shall express opinions pertaining to the theme of the session, and shall abide by the rules of procedures.

第九条 代表有权依照法律规定的程序向本级人民代表大会提出属于本级人民代表大会职权范围内的议案。议案应当有案由、案据和方案。

代表依法提出的议案,由本级人民代表大会主席团决定是否列入会议议程,或者先交有关的专门委员会审议、提出是否列入会议议程的意见,再决定是否列入会议议程。

列入会议议程的议案,在交付大会表决前,提出议案的代表要求撤回的,经主席团同意,会议对该项议案的审议即行终止。

Article 9 Deputies have the right, in accordance with procedures prescribed by law, to submit to the people's congress at the corresponding level bills and proposals within the scope of its functions and powers. Bills and proposals submitted shall consist of subjects, grounds and schemes.

The Presidium of the people's congresses at the corresponding level shall decide whether to list proposals put forward according to the law by deputies in the agenda of the session, or to first hand these to the relevant special committees for deliberation and to put forward opinions as to whether these shall be listed in the agenda of the session before deciding whether to list these in the agenda of the session.

Deliberations on a bill or proposal already placed on the agenda of a session shall be terminated upon approval by the Presidium of a request made by the sponsor deputy for its withdrawal before it is put to vote at the session.

第十条 全国人民代表大会代表,有权依照宪法规定的程序向全国人民代表大会提出修改宪法的议案。

Article 10 Deputies to the National People's Congress have the right, in accordance with the

procedures prescribed by the Constitution, to submit to the National People's Congress bills on the amendment to the Constitution.

第十一条 代表参加本级人民代表大会的各项选举。

全国人民代表大会代表有权对主席团提名的全国人民代表大会常务委员会组成人员的人选,中华人民共和国主席、副主席的人选,中央军事委员会主席的人选,最高人民法院院长和最高人民检察院检察长的人选,全国人民代表大会各专门委员会的人选,提出意见。

县级以上的地方各级人民代表大会代表有权依照法律规定的程序提出本级人民代表大会常务委员会的组成人员,人民政府领导人员,人民法院院长,人民检察院检察长以及上一级人民代表大会代表的人选,并有权对本级人民代表大会主席团和代表依法提出的上述人员的人选提出意见。

乡、民族乡、镇的人民代表大会代表有权依照法律规定的程序提出本级人民代表大会主席、副主席和人民政府领导人员的人选,并有权对本级人民代表大会主席团和代表依法提出的上述人员的人选提出意见。

各级人民代表大会代表有权对本级人民代表大会主席团的人选,提出意见。

代表对确定的候选人,可以投赞成票,可以投反对票,可以另选他人,也可以弃权。

Article 11 Deputies shall participate in the elections conducted by the people's congress at the corresponding level.

Deputies to the National People's Congress have the right to advance opinions on candidates nominated by the Presidium for the component members of the Standing Committee of the National People's Congress, President and Vice-President of the People's Republic of China, Chairman of the Central Military Commission, President of the Supreme People's Court and Procurator-General of the Supreme People's Procuratorate and candidates for the various special committees of the National People's Congress.

Deputies to the local people's congresses at or above the county level have the right, in accordance with the procedures prescribed by law, to nominate candidates for the component members of the standing committees of the people's congresses, leading members of the people's governments, presidents of the people's courts and procurators-general of the people's procuratorates at the corresponding levels, as well as candidates for the deputies to the people's congresses at the next higher levels, and have the right to advance opinions on the aforesaid candidates nominated according to law by the presidiums and deputies to the people's congresses at the corresponding levels.

Deputies to people's congresses of townships, ethnic townships and towns have the right, in accordance with stipulated procedures, to nominate candidates as president, vice-president of the people's congresses and leading members of the people's government at the corresponding level, and shall have the right to put forward opinions on the candidates of the aforesaid personnel nominated by the Presidium and the deputies of the people's congresses at the corresponding level.

Deputies to the people's congresses at various levels have the right to advance opinions on the candidates for the presidiums of the people's congresses at the corresponding levels.

With respect to a candidate that has been determined, deputies may vote for or against, or vote another person instead, or abstain from voting.

第十二条 全国人民代表大会代表参加决定国务院组成人员和中央军事委员会副主席、委员的人选。

县级以上的各级人民代表大会代表参加表决通过本级人民代表大会各专门委员会组成人员的人选。

Article 12 Deputies to the National People's Congress shall participate in deciding on the choice of the component members of the State Council, and Vice-Chairmen and members of the Central Military Commission.

Deputies to all people's congresses at and above the county level shall participate in the vote for determining the component members of various special committees of the people's congresses at the corresponding levels.

第十三条 代表在审议议案和报告时,可以向本级有关国家机关提出询问。有关国家机关应当派负责人或者负责人员回答询问。

Article 13 During deliberations on a bill or proposal, or a report, deputies may make inquiries to the relevant State organ at the corresponding level, and such organ shall send its leading cadre or a person in charge to answer the inquiries.

第十四条 全国人民代表大会会议期间,一个代表团或者三十名以上的代表联名,有权书面提出对国务院和国务院各部、各委员会,最高人民法院,最高人民检察院的质询案。

县级以上地方各级人民代表大会代表有权依照法律规定的程序提出对本级人民政府及其所属各部门,人民法院,人民检察院的质询案。

乡、民族乡、镇的人民代表大会有权依照法律规定的程序提出对本级人民政府的质询案。

质询案应当写明质询对象、质询的问题和内容。

质询案按照主席团的决定由受质询机关答复。提出质询案的代表半数以上对答复不满意的,可以要求受质询机关再作答复。

Article 14 During a session of the National People's Congress, a delegation or a group of thirty or more deputies have the right to make a proposal in writing for addressing inquiries to the State Council, ministries and commissions under the State Council, the Supreme People's Court and the Supreme People's Procuratorate.

Deputies to the people's congresses at or above the county level have the right, in accordance with the procedures prescribed by law, to make proposals for addressing inquiries to the people's governments and governmental departments, the people's courts and the people's procuratorates at the corresponding levels.

Deputies to the people's congresses of townships, nationality townships or towns have the right, in accordance with the procedures prescribed by law, to make proposals for addressing inquiries to the people's governments at the corresponding levels.

In a proposal for addressing inquiries, the person to be inquired and the subject and content to be inquired about shall be clearly stated.

A proposal for addressing inquiries shall, according to a decision of the Presidium, be replied by the State organ inquired. If half or more of the deputies who made the proposal for addressing inquiries are not satisfied with the reply, they may demand another reply from the organ in question.

第十五条 全国人民代表大会代表有权依照法律规定的程序提出对全国人民代表大会常务委员会组成人员,中华人民共和国主席、副主席,国务院组成人员,中央军事委员会组成人员,最高人民法院院长,最高人民检察院检察长的罢免案。

县级以上地方各级人民代表大会代表有权依照法律规定的程序提出对本级人民代表大会常务委员会组成人员,人民政府组成人员,人民法院院长,人民检察院检察长的罢免案。

乡、民族乡、镇的人民代表大会有权依照法律规定的程序提出对本级人民代表大会主席、副主席和人民政府领导人员的罢免案。

罢免案应当写明罢免的理由。

Article 15 Deputies to the National People's Congress have the right, in accordance with the procedures prescribed by law, to make a proposal for the removal from office of a member of the

Standing Committee of the National People's Congress, the President or Vice-President of the People's Republic of China, a component member of the State Council, a component member of the Central Military Commission, the President of the Supreme People's Court or the Procurator-General of the Supreme People's Procuratorate.

Deputies to a local people's congress at or above the county level have the right, in accordance with the procedures prescribed by law, to make a proposal for the removal from office of a component member of the standing committee of the people's congress, a component member of the people's government, the president of the people's court or the procurator-general of the people's procuratorate at the corresponding level.

Deputies to people's congresses of townships, ethnic townships and towns have the right, in accordance with stipulated procedures, to put forward a proposal to remove from office the president, vice-president of the people's congresses and leading members of the people's government at the corresponding level.

In a proposal for removal from office, the reasons for the removal shall be clearly stated.

第十六条 县级以上各级人民代表大会代表有权依法提议组织关于特定问题的调查委员会。

Article 16 Deputies to a people's congress at or above the county level have the right to put forward, according to law, a proposal for setting up a committee for the investigation of a specific question.

第十七条 代表参加本级人民代表大会表决,可以投赞成票,可以投反对票,也可以弃权。

Article 17 Deputies may, in a vote conducted by the people's congress at the corresponding level, cast an affirmative vote or a negative vote or abstain from voting.

第十八条 代表有权向本级人民代表大会提出对各方面工作的建议、批评和意见。建议、批评和意见应当明确具体,注重反映实际情况和问题。

Article 18 Deputies have the right to put forward recommendations, criticisms and opinions as regards all aspects of tasks to the people's congresses at the corresponding level. Recommendations, criticisms and opinions shall be clear and specific, with an emphasis on reflecting actual situations and issues.

第三章 代表在本级人民代表大会闭会期间的活动

Chapter III: Activities of Deputies When the People's Congress at the Corresponding Level Is Not in Session

第十九条 县级以上各级人民代表大会常务委员会组织本级人民代表大会代表开展闭会期间的活动。

县级以上地方各级人民代表大会常务委员会受上一级人民代表大会常务委员会的委托,组织本级人民代表大会选举产生的上一级人民代表大会代表开展闭会期间的活动。

乡、民族乡、镇的人民代表大会主席、副主席根据主席团的安排,组织本级人民代表大会代表开展闭会期间的活动。

Article 19 The standing committee of a people's congress at or above the county level shall organize deputies to the people's congress at the corresponding level to carry out activities when the people's congress at the corresponding level is not in session.

The standing committee of a local people's congress at or above the county level shall, upon the

commission of the standing committee of the people's congress at the next higher level, organize the deputies to the people's congress at the next higher level who are elected by the people's congress at the corresponding level to carry out activities when the people's congress at the next higher level is not in session.

The president or vice-president of the people's congress of a township, ethnic township or town shall, according to the arrangements of the presidium, organize deputies to the people's congress at the corresponding level to conduct activities during the period when the people's congress at the corresponding level is not in session.

第二十条 代表在闭会期间的活动以集体活动为主,以代表小组活动为基本形式。代表可以通过多种方式听取、反映原选区选民或者原选举单位的意见和要求。

Article 20 Activities of deputies when the people's congresses are not in session shall be dominated by group activities, with small group activities for deputies as the basic format. Deputies may listen and reflect the opinions and requests of the voters of their home constituencies or electoral units through numerous methods.

第二十一条 县级以上的各级人民代表大会代表,在本级或者下级人民代表大会常务委员会协助下,可以按照便于组织和开展活动的原则组成代表小组。

县级以上的各级人民代表大会代表,可以参加下级人民代表大会代表的代表小组活动。

Article 21 Deputies to the people's congresses at or above the county level may, with the assistance of the standing committees of the people's congresses at the corresponding levels or lower levels, form themselves into deputy groups in the light of the principle of facilitating the organization and conduct of their activities.

Deputies to the people's congresses at or above the county level may take part in the group activities of deputies to the people's congresses at lower levels.

第二十二条 县级以上的各级人民代表大会代表根据本级人民代表大会常务委员会的安排,对本级或者下级国家机关和有关单位的工作进行视察。乡、民族乡、镇的人民代表大会代表根据本级人民代表大会主席团的安排,对本级人民政府和有关单位的工作进行视察。

代表按前款规定进行视察,可以提出约见本级或者下级有关国家机关负责人。被约见的有关国家机关负责人或者由他委托的负责人员应当听取代表的建议、批评和意见。

代表可以持代表证就地进行视察。县级以上的地方各级人民代表大会常务委员会或者乡、民族乡、镇的人民代表大会主席团根据代表的要求,联系安排本级或者上级的代表持代表证就地进行视察。

代表视察时,可以向被视察单位提出建议、批评和意见,但不直接处理问题。

Article 22 Deputies to a people's congress at and above the county level shall, according to the arrangements of the standing committee of the people's congress at the corresponding level, inspect the work of relevant entities and State organs at the same level or at lower levels. Deputies to the people's congress of a township, ethnic township or town shall, according to the arrangements of the presidium of the people's congress at the corresponding level, inspect the work of relevant entities and the people's government at the same level.

Deputies may, during inspections conducted in accordance with the provisions of the preceding paragraph, suggest an interview with the responsible personnel of the relevant State organs at the corresponding or lower levels. The responsible personnel to be interviewed of the State organs concerned or the persons in charge entrusted by them shall listen to the proposals, criticisms or opinions of the deputies.

Deputies may conduct field inspection by producing his/her deputy credentials. The standing committee of a local people's congress at and above the county level, or the presidium of a people's congress of a township, ethnic township or town shall, as requested by deputies, contact and arrange deputy at the corresponding level or at higher levels to conduct field inspection by producing their deputy credentials.

Deputies may, during their inspections, put forward proposals, criticisms or opinions to the units inspected, but shall not deal with the problems directly.

第二十三条 代表根据安排,围绕经济社会发展和关系人民群众切身利益、社会普遍关注的重大问题,开展专题调研。

Article 23 Deputies shall, according to relevant arrangements, carry out special surveys and studies by focusing on economic and social development, as well as major issues that have a bearing on people's vital interests and are of extensive public concern.

第二十四条 代表参加视察、专题调研活动形成的报告,由本级人民代表大会常务委员会办事机构或者乡、民族乡、镇的人民代表大会主席团转交有关机关、组织。对报告中提出的意见和建议的研究处理情况应当向代表反馈。

Article 24 The reports formed after the participation of deputies in activities of inspection or special surveys and studies shall be forwarded to relevant organs and organizations by the offices of the standing committee of the people's congress at the corresponding level or the presidium of the people's congress of the relevant township, ethnic township or town. Deputies shall be provided with feedback on the research and handling of the opinions and suggestions raised in such reports.

第二十五条 代表有权依照法律规定的程序提议临时召集本级人民代表大会会议。

Article 25 Deputies have the right, in accordance with the procedures prescribed by law, to propose the convening of an interim session of the people's congress at the corresponding level.

第二十六条 县级以上的各级人民代表大会代表可以应邀列席本级人民代表大会常务委员会会议、本级人民代表大会各专门委员会会议,参加本级人民代表大会常务委员会组织的执法检查和其他活动。乡、民族乡、镇的人民代表大会代表参加本级人民代表大会主席团组织的执法检查和其他活动。

Article 26 Deputies to a people's congress at and above the county level may be invited to attend the meetings of the standing committee or various special committees of the people's congress at the corresponding level as non-voting participants, and participate in law enforcement and inspection, as well as other activities organized by the standing committee of the people's congress at the corresponding level. Deputies to the people's congress of a township, ethnic township or town shall participate in the law enforcement and inspection, as well as other activities organized by the presidium of the people's congress at the corresponding level.

第二十七条 全国人民代表大会代表,省、自治区、直辖市、自治州、设区的市的人民代表大会代表可以列席原选举单位的人民代表大会会议,并可以应邀列席原选举单位的人民代表大会常务委员会会议。

Article 27 Deputies to the National People's Congress and those to the people's congresses of provinces, autonomous regions, municipalities directly under the Central Government, autonomous prefectures or cities divided into districts may attend, as nonvoting participants, meetings of the people's congresses of the electoral units that elected them, and may also attend, upon invitation and as nonvoting participants, meetings of the standing committees of the people's congresses of the electoral

units that elected them.

第二十八条 县级以上各级人民代表大会代表根据本级人民代表大会或者本级人民代表大会常务委员会的决定,参加关于特定问题的调查委员会。

Article 28 Deputies to the people's congresses at or above the county level shall, according to decisions of the people's congresses at the corresponding levels or of their standing committees, join the committees for the investigation of specific questions.

第二十九条 代表在本级人民代表大会闭会期间,有权向本级人民代表大会常务委员会或者乡、民族乡、镇的人民代表大会主席团提出对各方面工作的建议、批评和意见。建议、批评和意见应当明确具体,注重反映实际情况和问题。

Article 29 During the period when the people's congress at the corresponding level is not in session, deputies shall be entitled to raise suggestions, criticisms and opinions concerning various aspects of work to the standing committee of the people's congress at the corresponding level or the presidium of the people's congress of the relevant township, ethnic township or town. Suggestions, criticisms and opinions shall be clear and specific, focusing on conveying actual situations and problems.

第三十条 乡、民族乡、镇的人民代表大会代表在本级人民代表大会闭会期间,根据统一安排,开展调研等活动;组成代表小组,分工联系选民,反映人民群众的意见和要求。

Article 30 Deputies of people's congresses at townships, ethnic townships and towns shall, according to centralized arrangements, embark on activities such as surveys and research when the people's congresses are not in session; deputies may form small groups, and contact the electorate by means of division of labor, and reflect the opinions and requests of the people and the public.

第四章 代表执行职务的保障

Chapter IV: Guarantees for the Performance of Functions as Deputies

第三十一条 代表在人民代表大会各种会议上的发言和表决,不受法律追究。

Article 31 Deputies shall hold no legal liability for their speeches or votes at various meetings of the people's congresses.

第三十二条 县级以上各级人民代表大会代表,非经本级人民代表大会主席团许可,在本级人民代表大会闭会期间,非经本级人民代表大会常务委员会许可,不受逮捕或者刑事审判。如果因为是现行犯被拘留,执行拘留的机关应当立即向该级人民代表大会主席团或者人民代表大会常务委员会报告。

对县级以上各级人民代表大会代表,如果采取法律规定的其他限制人身自由的措施,应当经该级人民代表大会主席团或者人民代表大会常务委员会许可。

人民代表大会主席团或者常务委员会受理有关机关依照本条规定提请许可的申请,应当审查是否存在对代表在人民代表大会各种会议上的发言和表决进行法律追究,或者对代表提出建议、批评和意见等其他执行职务行为打击报复的情形,并据此作出决定。

乡、民族乡、镇的人民代表大会代表,如果被逮捕、受刑事审判、或者被采取法律规定的其他限制人身自由的措施,执行机关应当立即报告乡、民族乡、镇的人民代表大会。

Article 32 No deputy to a people's congress at or above the county level may be arrested or placed on criminal trial without the consent of the Presidium of the people's congress at the corresponding level, or without the consent of its standing committee when the people's congress is not

in session. If a deputy is caught in the act and detained, the organ executing the detention shall immediately report the matter to the Presidium or the standing committee of the people's congress at the corresponding level.

If any other restriction of personal freedom prescribed by law is imposed on a deputy to a people's congress at or above the county level, it shall be subject to the approval of the Presidium or the standing committee of the people's congress at the corresponding level.

If a deputy to the people's congress of a township, nationality township or town is arrested or placed on criminal trial, or subjected to any other restrictions of personal freedom prescribed by law, the executing organ shall immediately report the matter to the people's congress of the township, nationality township or town.

The Presidium or the standing committees of people's congresses that accept applications for permissions put forward by relevant departments in accordance with the provisions of this article, shall review whether these contain investigations for legal liabilities against the speeches or voting made by a deputy at various sessions of the people's congresses, or whether these are retaliation against other duties performed by the deputy such as recommendations, criticisms, and opinions made, and shall make a decision based on the review.

第三十三条 代表在本级人民代表大会闭会期间,参加由本级人民代表大会常务委员会或者乡、民族乡、镇的人民代表大会主席团安排的代表活动,代表所在单位必须给予时间保障。

Article 33 Deputies shall participate in the activities organized by the standing committee of the people's congress at the corresponding level or the presidium of the people's congress of the relevant township, ethnic township or town during the period when the people's congress at the corresponding level is not in session, in which case the employers of the deputies shall ensure that the latter have sufficient time for participation.

第三十四条 代表按照本法第三十三条的规定执行代表职务,其所在单位按正常出勤对待,享受所在单位的工资和其他待遇。

无固定工资收入的代表执行代表职务,根据实际情况由本级财政给予适当补贴。

Article 34 The performance by a deputy of his or her functions as deputy in accordance with the provisions of Article 31 of this Law shall be regarded as normal attendance by his or her unit and the wage and other benefits of the unit shall be duly enjoyed by the deputy.

Deputies with no fixed income of wages or salaries shall, for the performance of their functions as deputies, be appropriately subsidized by the governmental finance at the corresponding level in light of the specific circumstances.

第三十五条 代表的活动经费,应当列入本级财政预算予以保障,专款专用。

Article 35 Funds for activities of deputies shall be listed under the financial budget of the governments at the corresponding level and shall be guaranteed, earmarked for specific purposes.

第三十六条 县级以上的各级人民代表大会常务委员会应当采取多种方式同本级人民代表大会代表保持联系,扩大代表对本级人民代表大会常务委员会活动的参与。

Article 36 Standing committees of all people's congresses at the county level and above shall adopt various methods to keep in contact with the deputies to the people's congresses at the corresponding level, expanding the participation of deputies in the activities of the standing committees of people's congresses at the corresponding level.

第三十七条 县级以上地方各级人民代表大会常务委员会,应当为本行政区域内的代表执行代表职务提供必要的条件。

Article 37 The standing committees of the local people's congresses at or above the county level shall provide necessary conditions for deputies within their respective administrative areas to perform their functions as deputies.

第三十八条 县级以上各级人民代表大会常务委员会,各级人民政府和人民法院、人民检察院,应当及时向本级人民代表大会代表通报工作情况,提供信息资料,保障代表的知情权。

Article 38 Standing committees of all people's congresses at the county level and above, and the people's governments, the people's courts and the people's procuratorates at all levels shall promptly report their work performance to the deputies to the people's congresses at the corresponding level, providing information, and ensuring the deputies' right to information.

第三十九条 县级以上各级人民代表大会常务委员会应当有计划地组织代表参加履职学习,协助代表全面熟悉人民代表大会制度、掌握履行代表职务所需的法律知识和其他专业知识。

乡、民族乡、镇的人民代表大代表可以参加上级人民代表大会常务委员会组织的代表履职学习。

Article 39 Standing committees of all people's congresses at the county level and above shall systematically arrange for deputies to participate in learning the duties of a deputy, and assist deputies in becoming familiarized, in a comprehensive manner, the people's congress system, as well as an understanding of legal knowledge and other professional knowledge that are required in performing the duties of a deputy.

Deputies to the people's congresses of townships, ethnic townships and towns may participate as deputies to the standing committees of people's congresses at the level immediately higher than the current level.

第四十条 县级以上各级人民代表大会常务委员会的办事机构和工作机构是代表执行代表职务的集体服务机构,为代表执行代表职务提供服务保障。

Article 40 Administrative entities and work entities of standing committees of all people's congresses at the county level and above are the collective service entities for deputies performing their duties and shall guarantee the provision of services for deputies in the performance of their duties.

第四十一条 为了便于代表执行代表职务,各级人民代表大会可以为本级人民代表大会代表制发代表证。

Article 41 For the convenience of deputies' performance of their functions as deputies, the people's congresses at various levels may make and issue deputy cards to deputies to the people's congresses at the corresponding levels.

第四十二条 有关机关、组织应当认真研究办理代表建议、批评和意见,并自交办之日起三个月内答复。涉及面广、处理难度大的建议、批评和意见,应当自交办之日起六个月内答复。

有关机关、组织在研究办理代表建议、批评和意见的过程中,应当与代表联系沟通,充分听取意见。

代表建议、批评和意见的办理情况,应当向本级人民代表大会常务委员会或者乡、民族乡、镇的人民代表大会主席团报告,并印发下一次人民代表大会会议。代表建议、批评和意见办理情况的报告,应当予以公开。

Article 42 Relevant departments and organizations shall conscientiously study and handle the recommendations, criticisms and opinions of deputies, and shall respond within three months from the

date of submission. Where the recommendations, criticism and opinions involve wide aspects or where there is a difficulty in handling the same, a response shall be given within six months from the date of submission.

In the process of studying and handling the recommendations, criticisms and opinions of deputies, the relevant departments and organizations shall contact and communicate with the deputies, and listen fully to their opinions.

Situations on the handling of the suggestions, criticisms and opinions raised by deputies shall be reported to the standing committee of the people's congress at the corresponding level or the presidium of the people's congress of the relevant township, ethnic township or town, and be printed out for distribution at the next session of the people's congress. Reports on the handling of the suggestions, criticisms and opinions raised by deputies shall be made public.

第四十三条 少数民族代表执行代表职务时,有关部门应当在语言文字、生活习惯等方面给予必要的帮助和照顾。

Article 43 When deputies of minority nationalities perform their functions as deputies, the departments concerned shall provide them with necessary help and give special considerations in such aspects as languages, both spoken and written, habits and customs.

第四十四条 一切组织和个人都必须尊重代表的权利, 支持代表执行代表职务。

有义务协助代表执行代表职务而拒绝履行义务的, 有关单位应当予以批评教育, 直至给予行政处分。

阻碍代表依法执行代表职务的, 根据情节, 由所在单位或者上级机关给予行政处分, 或者适用《中华人民共和国治安管理处罚法》第五十条的处罚规定;以暴力、威胁方法阻碍代表依法执行代表职务的, 依照刑法有关规定追究刑事责任。

对代表依法执行代表职务进行打击报复的, 由所在单位或者上级机关责令改正或者给予行政处分;国家工作人员进行打击报复构成犯罪的, 依照刑法有关规定追究刑事责任。

Article 44 All organizations and individuals must respect the rights of deputies and support them in their performance of functions as deputies.

Whoever has the duty to assist deputies in their performance of functions as deputies but refuses to do so shall be admonished, criticized, even subjected to administrative sanctions by the unit concerned.

Whoever obstructs deputies from performing their functions as deputies according to law shall be subjected to administrative sanctions by the unit to which he or she belongs or by the department at the higher level, or shall be punished in accordance with the relevant provisions of Article 50 of the Law of the People's Republic of China on Penalties for Administration of Public Security. Whoever obstructs, by means of violence or threat, deputies from performing their functions as deputies according to law shall be investigated for criminal responsibility in accordance with the relevant provisions of the Criminal Law.

第五章 对代表的监督

Chapter V: Supervision of Deputies

第四十五条 代表应当采取多种方式经常听取人民群众对代表履职的意见,回答原选区选民或者原选举单位对代表工作和代表活动的询问,接受监督。

由选民直接选举的代表应当以多种方式向原选区选民报告履职情况。县级人民代表大会常务委员会和乡、民族乡、镇的人民代表大会主席团应当定期组织本级人民代表大会代表向原选区选民报告履职情况。

Article 45 Deputies shall employ a variety of methods to frequently listen to the opinions of the people and the public as regards the performance of duties of the deputies, as well as respond to the inquiries of voters of their home constituencies or electoral units as regards the work and activities of the deputies, and be subjected to supervision.

Deputies directly elected by voters shall report their performance of duties to the original constituencies in various ways. The standing committee of a county-level people's congress, and the presidium of the people's congress of a township, ethnic township or town shall organize deputies to the people's congress at the corresponding level to report their performance of duties to the original constituencies on a regular basis.

第四十六条 代表应当正确处理从事个人职业活动与执行代表职务的关系,不得利用执行代表职务干涉具体司法案件或者招标投标等经济活动牟取个人利益。

Article 46 Deputies shall properly handle the relationship between the personal profession activities in which they are engaged and the performance of their duties as deputies. They shall not take advantage of their duty as deputies to interfere with specific judicial cases or seek Personal gains from such economic activities as tenders and biddings.

第四十七条 选民或者选举单位有权依法罢免自己选出的代表。被提出罢免的代表有权出席罢免该代表的会议提出申辩意见,或者书面提出申辩意见。

Article 47 The electorate or electoral unit has the right to remove from office the deputy they have elected. The deputy to be removed from office has the right to attend the meeting for the removal from office to present his/her self-defense and opinion, or to present his/her self-defense and opinion in writing.

第四十八条 代表有下列情形之一的,暂时停止执行代表职务,由代表资格审查委员会向本级人民代表大会常务委员会或者乡、民族乡、镇的人民代表大会报告:

- (一)因刑事案件被羁押正在受侦查、起诉、审判的;
 - (二)被依法判处管制、拘役或者有期徒刑而没有附加剥夺政治权利,正在服刑的。
- 前款所列情形在代表任期内消失后,恢复其执行代表职务,但代表资格终止者除外。

Article 48 Where one of the following situations occur to deputies, the performance of their duties as deputies shall cease temporarily, and a report shall be made by the deputy qualification review committee to the standing committees of people's congresses at the corresponding level or to the people's congresses of townships, ethnic townships and towns:

- (1) Those who are held in custody and are under investigation, prosecution or tried for criminal cases;
- (2) those who have been sentenced to surveillance, criminal detention or fixed-term imprisonment, without additional punishment of being stripped of their political rights, and are currently serving their sentence.

As soon as the circumstances specified in the preceding paragraph no longer exist during the term of the deputy in question, the performance of his or her functions as deputy shall be restored, except for the one who is disqualified as deputy.

第四十九条 代表有下列情形之一的,其代表资格终止:

- (一)地方各级人民代表大会代表迁出或者调离本行政区域的;
- (二)辞职被接受的;
- (三)未经批准两次不出席本级人民代表大会会议的;

- (四)被罢免的;
- (五)丧失中华人民共和国国籍的;
- (六)依照法律被剥夺政治权利的;
- (七)丧失行为能力的。

Article 49 A deputy involved in any of the following circumstances shall be disqualified as a deputy:

- (1)a deputy to a local people's congress at any level who has moved or is transferred away from the corresponding administrative area;
- (2)his or her resignation as a deputy being accepted;
- (3)being absent, without approval, from two sessions of the people's congress at the corresponding level;
- (4)being recalled;
- (5)having forfeited the nationality of the People's Republic of China; and
- (6)being deprived of political rights in accordance with the law.
- (7) Loss of capacity for conduct.

第五十条 县级以上的各级人民代表大会代表资格的终止, 由代表资格审查委员会报本级人民代表大会常务委员会, 由本级人民代表大会常务委员会予以公告。

乡、民族乡、镇的人民代表大会代表资格的终止, 由代表资格审查委员会报本级人民代表大会, 由本级人民代表大会予以公告。

Article 50 The disqualification of a deputy to a people's congress at or above the county level shall be reported by the credential committee to the standing committee of the people's congress at the corresponding level for its announcement.

The disqualification of a deputy to the people's congress of a township, nationality township or town shall be reported by the credential committee to the people's congress at the corresponding level for its announcement.

第六章 附则

Chapter VI: Supplementary Provisions

第五十一条 省、自治区、直辖市的人民代表大会及其常务委员会可以根据本法和本行政区域的实际情况,制定实施办法。

Article 51 The people's congresses of provinces, autonomous regions and municipalities directly under the Central Government and their standing committees may, in accordance with this Law and in light of the actual conditions of their respective administrative areas, formulate measures for implementation.

第五十二条 本法自公布之日起施行。

Article 52 This Law shall enter into force as of the date of promulgation.

Charter of the Chinese People's Political Consultative Conference (CPPCC) 中国人民政治协商会议章程(2018 修订)

Charter of the Chinese People's Political Consultative Conference(CPPCC)

(This charter was adopted at the Fifth Session of the Fifth National Committee of the Chinese People's Political Consultative Conference on December 11, 1982 and revised in accordance with [the Resolution on Amending the Charter of the CPPCC](#) adopted at the Second Session of the Eighth National Committee of the CPPCC on March 19, 1994, [the Resolution on Amending the Charter of the CPPCC](#) adopted at the Third Session of the Ninth National Committee of the CPPCC on March 11, 2000, [the Resolution on Amending the Charter of the CPPCC](#) adopted at the Second Session of the Tenth National Committee of the CPPCC on March 12, 2004, and [the Resolution on Amending the Charter of the CPPCC](#) adopted at the First Session of the Thirteenth National Committee of the CPPCC on March 15, 2018.)

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General Principles

The Chinese people, during the long course of revolution, development, and reform, have brought together the most extensive patriotic united front, which, under the leadership of the Communist Party of China (CPC) and based on an alliance of workers and farmers, is participated in by other political parties, public figures without party affiliation, people's organizations, ethnic minorities, and patriots from all sectors of society, and is formed of all socialist workers, builders of the socialist cause, patriots who support socialism, and patriots who support the reunification of the country and strive for the rejuvenation of the Chinese nation, including compatriots from the Hong Kong Special Administrative Region, compatriots from the Macao Special Administrative Region, compatriots from Taiwan, and overseas Chinese.

中国人民政治协商会议章程

(1982 年 12 月 11 日中国人民政治协商会议第五届全国委员会第五次会议通过根据 1994 年 3 月 19 日中国人民政治协商会议第八届全国委员会第二次会议通过的《[中国人民政治协商会议章程修正案](#)》、2000 年 3 月 11 日中国人民政治协商会议第九届全国委员会第三次会议通过的《[中国人民政治协商会议章程修正案](#)》、2004 年 3 月 12 日中国人民政治协商会议第十届全国委员会第二次会议通过的《[中国人民政治协商会议章程修正案](#)》和 2018 年 3 月 15 日中国人民政治协商会议第十三届全国委员会第一次会议通过的《[中国人民政治协商会议章程修正案](#)》修订)

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总纲

中国人民在长期的革命、建设、改革进程中, 结成了由中国共产党领导的、以工农联盟为基础的, 有各民主党派、无党派人士、人民团体、少数民族人士和各界爱国人士参加的, 由全体社会主义劳动者、社会主义事业的建设者、拥护社会主义的爱国者、拥护祖国统一和致力于中华民族伟大复兴的爱国者组成的, 包括香港特别行政区同胞、澳门特别行政区同胞、台湾同胞和海外侨胞在内的最广泛的爱国统一战线。

[The Constitution of the People's Republic of China](#) stipulates: the CPC-led system of multiparty cooperation and political consultation shall exist and develop for a long period of time.

The Chinese People's Political Consultative Conference (CPPCC) is an organization of the Chinese people's patriotic united front, an important institution of CPC-led multiparty cooperation and political consultation, a major form for promoting socialist democracy in China's political life, an important component of the country's governance system, and a distinctively Chinese institutional arrangement. The two main purposes of the CPPCC are to pursue unity and democracy. In September 1949, the First Plenary Session of the CPPCC, acting to fulfill the function of the National People's Congress and representing the will of all of the nation's people, declared the founding of the People's Republic of China, playing an important role in history. Following the convention of the First National People's Congress in 1954, the CPPCC has continued to do much work in the country's political and social life and in international exchanges, and has made important contributions. Since the Third Plenary Session of the 11th Central Committee of the CPC in December 1978, the CPPCC has further played an important role in helping to restore, consolidate, and develop stability and solidarity in the country's political situation, in realizing a shift in the focus of the work of the country toward economic development, in promoting reform and opening up and the pursuit of socialist modernization, in striving to reunify the nation, including Taiwan, and in opposing hegemony and safeguarding world peace.

Following the founding of the People's Republic of China, led by the CPC, the people of all ethnic groups in China crushed the system of exploitation, established a socialist system, pursued socialist development, launched the great new revolution of reform and opening up, and embarked on the path of socialism with Chinese characteristics. With this, the class situation in Chinese society has changed fundamentally. The alliance of workers and farmers has been further consolidated. Intellectuals, like workers and farmers, are a force to be relied on in the country's socialist cause. Other political parties, which have, in the people's revolution, development, and reform, advanced and withstood tests together with the CPC and made important contributions, have become political allies of the workers, builders, and patriotic supporters of socialism to whom they are tied; they are participating parties under socialism with Chinese characteristics, and are increasingly playing their own important roles. All the nation's ethnic groups have formed socialist ethnic relations based on equality, solidarity, mutual assistance, and harmony. Religious patriots are taking an active part in the country's socialist development. People involved in the non-public economic sector and people who belong to new social strata are also working for the cause of socialism with Chinese characteristics. Compatriots from the Hong Kong Special Administrative Region, the

[中华人民共和国宪法](#)规定：中国共产党领导的多党合作和政治协商制度将长期存在和发展。

中国人民政治协商会议是中国人民爱国统一战线组织，是中国共产党领导的多党合作和政治协商的重要机构，是我国政治生活中发扬社会主义民主的重要形式，是国家治理体系的重要组成部分，是具有中国特色的制度安排。团结和民主是中国人民政治协商会议的两大主题。一九四九年九月，中国人民政治协商会议第一届全体会议代行全国人民代表大会的职权，代表全国人民的意志，宣告中华人民共和国的成立，发挥了重要的历史作用。一九五四年第一届全国人民代表大会召开后，中国人民政治协商会议继续在国家的政治生活和社会生活以及对外友好活动中进行了许多工作，作出了重要的贡献。一九七八年十二月中国共产党十一届三中全会以来，在拨乱反正、巩固和发展安定团结的政治局面，实现国家工作中心向经济建设转移，推进改革开放和社会主义现代化建设，争取实现包括台湾在内的祖国统一，反对霸权主义、维护世界和平的斗争中，中国人民政治协商会议进一步发挥了重要作用。

中华人民共和国成立以后，我国各族人民在中国共产党的领导下，消灭了剥削制度，建立了社会主义制度，推进社会主义建设，进行改革开放新的伟大革命，开辟了中国特色社会主义道路。我国社会阶级状况发生了根本的变化。工农联盟更加巩固。知识分子同工人、农民一样是社会主义事业的依靠力量。在人民革命、建设、改革事业中同中国共产党一道前进、一道经受考验并作出重要贡献的各民主党派，已经成为各自所联系的一部分社会主义劳动者、社会主义事业的建设者和拥护社会主义的爱国者的政治联盟，是中国特色社会主义参政党，日益发挥其重要作用。全国各民族已经形成平等团结互助和谐的社会主义民族关系。宗教界的爱国人士积极参

Macao Special Administrative Region and Taiwan and overseas Chinese love the motherland, support China's reunification, and back the country's development. As the country moves forward in its development, China's patriotic united front has greater vitality and continues to be an important tool of the Chinese people as they unite and work together, and build and reunify the motherland. It shall be further consolidated and become better developed.

Since the 18th National Congress of the CPC in November 2012, based on foundations laid by long-term efforts since the founding of the People's Republic of China and especially since the beginning of reform and opening up, historic change has occurred in the cause of the country, and socialism with Chinese characteristics has entered a new era. We are closer to, more confident about, and more capable of realizing the goal of national rejuvenation than ever before. At the current stage, the principal contradiction facing Chinese society is that between the people's ever-growing needs for a better life and unbalanced and inadequate development. The basic dimension of the Chinese context—that our country is still and will long remain in the primary stage of socialism—has not changed. China's international status as the world's largest developing country has not changed. Owing to domestic factors and international influences, the struggle of the people of our country against hostile forces and elements at home and abroad will continue to be protracted, and a certain amount of class struggle will continue to exist for a long time to come but is no longer the principal contradiction in our society. The fundamental task of the Chinese people of all ethnic groups is, under the leadership of the CPC, to follow the path of socialism with Chinese characteristics, adhere to the basic line for the primary stage of socialism, fulfill the central task of economic development, uphold the Four Cardinal Principles, continue to reform and open up, be self-reliant, hardworking, and enterprising, and build China into a great modern socialist country that is prosperous, strong, democratic, culturally advanced, harmonious, and beautiful. The CPPCC shall, under the guidance of Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, the Theory of Three Represents, the Scientific Outlook on Development, and Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, hold high the banner of patriotism and socialism, strengthen confidence in the path, theory, system, and culture of socialism with Chinese characteristics, be committed to achieving great unity and solidarity, and find balance between commonality and diversity. It shall, based on the political foundations of love for the People's Republic of China, support for the leadership of the CPC and the socialist cause, and concerted efforts toward realizing the Chinese Dream of national rejuvenation, further consolidate and develop the patriotic united front, mobilize all positive factors and unite all people that can be united, expand common ground and the convergence of interests, be of one heart and mind, pool the knowledge and energies of all, work in accordance with the five-sphere integrated plan and the four-pronged comprehensive strategy for building socialism with Chinese characteristics, preserve and

加祖国的社会主义建设。非公有制经济人士、新的社会阶层人士等是中国特色社会主义事业的建设者。香港特别行政区同胞、澳门特别行政区同胞、台湾同胞和海外侨胞热爱祖国，拥护祖国统一，支援祖国建设事业。国家事业不断发展，我国的爱国统一战线具有更强大的生命力，仍然是中国人民团结战斗、建设祖国和统一祖国的一个重要法宝，它将更加巩固，更加发展。

二〇一二年十一月中国共产党第十八次全国代表大会以来，在新中国成立特别是改革开放以来长期努力的基础上，国家事业发生了历史性变革，中国特色社会主义进入了新时代。我们比历史上任何时期都更接近、更有信心和能力实现中华民族伟大复兴的目标。在现阶段，我国社会主要矛盾是人民日益增长的美好生活需要和不平衡不充分的发展之间的矛盾。但我国仍处于并将长期处于社会主义初级阶段的基本国情没有变，我国是世界最大发展中国家的国际地位没有变。由于国内的因素和国际的影响，我国人民同国内外的敌对势力和敌对分子的斗争还将是长期的，阶级斗争还将在一定范围内长期存在，但已经不是我国社会的主要矛盾。我国各族人民的根本任务是，在中国共产党的领导下，沿着中国特色社会主义道路，坚持社会主义初级阶段的基本路线，以经济建设为中心，坚持四项基本原则，坚持改革开放，自力更生，艰苦创业，把我国建设成为富强民主文明和谐美丽的社会主义现代化强国。中国人民政治协商会议要在马克思列宁主义、毛泽东思想、邓小平理论、“三个代表”重要思想、科学发展观、习近平新时代中国特色社会主义思想指引下，高举爱国主义、社会主义旗帜，坚定中国特色社会主义道路自信、理论自信、制度自信、文化自信，坚持大团结大联合，坚持一致性和多样性统一，在热爱中华人民共和国、拥护中国共产党的领导、拥护社会主义事业、共同致力于实现中华民族伟大复兴

develop political stability and solidarity, work consistently to promote coordinated material, political, cultural and ethical, social, and ecological advancement, and strive to achieve the two centenary goals and to realize the Chinese Dream of national rejuvenation.

The system of CPC-led multiparty cooperation and political consultation is a basic political system of our country; it is a socialist political party system with Chinese characteristics. The CPPCC is an important political and organizational form by which the system of CPC-led multiparty cooperation and political consultation is practiced. The CPPCC shall, on the basis of the principles of the long-term coexistence of, and mutual oversight, sincerity, and the sharing of rough and smooth between the CPC and other political parties and public figures without party affiliation, promote their unity and cooperation within the CPPCC and fully reflect and give play to the distinctive features and strengths of our country's new style of socialist political party system.

Consultative democracy is a model and strength unique to China's socialist democracy. The CPPCC is an important channel for socialist consultative democracy and a specialist consultative body. It shall, focusing on the country's key tasks, put consultative democracy into practice throughout the whole process of the performance of its duties, improve the content and forms of consultation and deliberation, strive to build consensus and promote unity, and play an irreplaceable role in advancing the extensive, multilevel, and institutionalized development of consultative democracy and in the modernization of China's system and capacity for governance.

All activities of the CPPCC shall be in line with [the Constitution of the People's Republic of China](#) as the fundamental code.

The National Committee and local committees of the CPPCC shall, in accordance with law, uphold the rights of all participating organizations and individuals to perform their duties in line with this Charter.

Chapter I: General Working Rules

Article 1 The CPPCC National Committee and local committees shall operate in accordance with this [Charter](#).

中国梦的政治基础上, 进一步巩固和发展爱国统一战线, 调动一切积极因素, 团结一切可能团结的人, 找到最大公约数, 画出最大同心圆, 同心同德, 群策群力, 按照中国特色社会主义事业“五位一体”总体布局和“四个全面”战略布局, 维护和发展安定团结的政治局面, 不断促进社会主义物质文明、政治文明、精神文明、社会文明、生态文明的协调发展, 为实现“两个一百年”奋斗目标、实现中华民族伟大复兴的中国梦而奋斗。

中国共产党领导的多党合作和政治协商制度是我国的一项基本政治制度, 是具有中国特色的社会主义政党制度。中国人民政治协商会议是实行中国共产党领导的多党合作和政治协商制度的重要政治形式和组织形式。中国人民政治协商会议根据中国共产党同各民主党派和无党派人士长期共存、互相监督、肝胆相照、荣辱与共的方针, 促进参加中国人民政治协商会议的各党派、无党派人士的团结合作, 充分体现和发挥我国社会主义新型政党制度的特点和优势。

协商民主是我国社会主义民主政治的特有形式和独特优势。中国人民政治协商会议是社会主义协商民主的重要渠道和专门协商机构, 要聚焦国家中心任务, 把协商民主贯穿履行职能全过程, 完善协商议政内容和形式, 着力增进共识、促进团结, 在推动协商民主广泛多层制度化发展、推进国家治理体系和治理能力现代化中发挥不可替代的作用。

中国人民政治协商会议的一切活动以[中华人民共和国宪法](#)为根本的准则。

中国人民政治协商会议全国委员会和地方委员会, 依法维护其参加单位和个人依照本章程履行职责的权利。

第一章 工作总则

第一条 中国人民政治协商会议全国委员会和地方委员会, 依照[中国人民政治协商会议章程](#)进行工作。

Article 2 The principles to be followed in the work of the National Committee and local committees are: uphold the leadership of the CPC, stay true to the nature and position of the CPPCC, be committed to great unity and solidarity, and promote socialist democracy.

Article 3 The principal functions of the National Committee and local committees are political consultation, democratic oversight, and participation in and deliberation of state affairs.

Political consultation refers to consultation related to major national principles and policies, important local government measures, and major issues in political, cultural, social, and ecological advancement, which is carried out both before decisions are made and during their implementation. The National Committee and local committees may, according to the suggestions of the CPC, the standing committees of people's congresses, people's governments, other political parties, and people's organizations, hold meetings participated in by leaders of political parties and people's organizations and representatives of ethnic groups and different social sectors to engage in consultation; and may recommend the above-mentioned organizations to submit important relevant issues for consultation.

Democratic oversight refers to consultative oversight, carried out by putting forward comments, criticisms, or suggestions, over the enforcement of [the Constitution](#), laws, and regulations; over the implementation of major principles, policies, reform measures, and decisions; over the situation as regards the resolution of practical problems of immediate concern to the people; and over the work of state organs and their employees.

Participation in and deliberation of state affairs refers to carrying out studies and surveys on important issues related to politics, the economy, culture, society, ecological and environmental protection, and issues of public concern, reporting on social conditions and public sentiment, and engaging in consultation and discussion. Comments and suggestions are made through research reports, proposals, recommendations and other forms to CPC and state organs.

Article 4 The CPPCC National Committee and local committees should formulate annual consultation plans. The agenda items of special meetings of the Standing Committee and special consultative meetings, as well as the important topics of other forms of consultation, should be set out in annual consultation plans, ensuring that the forms of consultations are commensurate with the topics under consultation. CPPCC committees shall use a variety of means in combination, bringing together consultation, oversight, participation, and cooperation; and shall refine the configuration of consultation and deliberation, in which plenary sessions of the National Committee play the leading role, special meetings on major national policy of the Standing Committee

第二条 中国人民政治协商会议全国委员会和地方委员会的工作原则是：坚持中国共产党领导，坚持人民政协性质定位，坚持大团结大联合，坚持发扬社会主义民主。

第三条 中国人民政治协商会议全国委员会和地方委员会的主要职能是政治协商、民主监督、参政议政。

政治协商是对国家大政方针和地方的重要举措以及经济建设、政治建设、文化建设、社会建设、生态文明建设中的重要问题，在决策之前和决策实施之中进行协商。中国人民政治协商会议全国委员会和地方委员会可根据中国共产党、人民代表大会常务委员会、人民政府、民主党派、人民团体的提议，举行有各党派、团体的负责人和各族各界人士的代表参加的会议，进行协商，亦可建议上列单位将有关重要问题提交协商。

民主监督是对国家[宪法](#)、法律和法规的实施，重大方针政策、重大改革举措、重要决策部署的贯彻执行情况，涉及人民群众切身利益的实际问题解决落实情况，国家机关及其工作人员的工作等，通过提出意见、批评、建议的方式进行的协商式监督。

参政议政是对政治、经济、文化、社会生活和生态环境等方面的重要问题以及人民群众普遍关心的问题，开展调查研究，反映社情民意，进行协商讨论。通过调研报告、提案、建议案或其他形式，向中国共产党和国家机关提出意见和建议。

第四条 中国人民政治协商会议全国委员会和地方委员会应制定年度协商计划。专题议政性常务委员会会议议题、专题协商会议题及其他协商形式的重要议题，应列入年度协商计划，做到协商议题和协商形式相匹配。要综合运用各种形式，集协商、监督、参与、合作于一体，完善以全体会议为龙头，以专题议政性常务委员会会议和专题协商会为

and special consultative meetings play an important part, and consultative forums, consultative meetings with Party and government departments, and consultative meetings on the handling of proposals are part of regular procedures.

Article 5 The CPPCC National Committee and local committees shall implement the CPC's basic theory, line, and policy; be committed to a people-centered philosophy of development; be committed to law-based governance; publicize and act in line with the country's [Constitution](#), laws, and regulations as well as major principles and policies; encourage private actors to be actively involved in the country's material, political, cultural and ethical, social, and ecological advancement; better meet the people's ever-growing needs for a better life; and better promote well-rounded human development and all-round social progress.

Article 6 The CPPCC National Committee and local committees shall uphold a basic economic system whereby public ownership plays a dominant role and economic entities under diverse forms of ownership develop side by side. They shall have resolve in consolidating and developing the public sector of the economy and also in encouraging, supporting, and guiding the development of the non-public sector. They shall uphold a distribution system whereby distribution according to one's work is the predominant form and a variety of other modes of distribution exist alongside it. They shall be committed to developing the socialist market economy; apply a new vision of development; develop a modernized economy; see that the market plays the decisive role in resource allocation and the government plays its role better; help to release and develop productive forces; and gradually achieve shared prosperity for everyone.

Article 7 The CPPCC National Committee and local committees shall maintain close ties with individuals from all walks of life, reflect the views and demands of these people and the sectors of society they are connected to, make suggestions and criticisms about the work of state organs and their employees, and assist state organs in carrying out structural and institutional reform, improving work, raising efficiency, overcoming the practice of formalities for formalities' sake, bureaucratism, hedonism, and extravagance, and building a clean government.

Article 8 The CPPCC National Committee and local committees shall coordinate and handle the various relationships in the united front and important issues regarding cooperation within the CPPCC itself.

Article 9 The CPPCC National Committee and local committees shall be committed to a path of developing socialist culture with Chinese characteristics. They shall use all possible forms to ensure the fine cultural traditions of the Chinese nation are carried on

重点,以协商座谈会、对口协商会、提案办理协商会等为常态的协商议政格局。

第五条 中国人民政治协商会议全国委员会和地方委员会贯彻中国共产党的基本理论、基本路线、基本方略,坚持以人民为中心的发展思想,坚持全面依法治国,宣传和执行国家的[宪法](#)、法律、法规和各项方针、政策,推动社会力量积极参加社会主义物质文明、政治文明、精神文明、社会文明、生态文明的建设事业,更好满足人民日益增长的美好生活需要,更好推动人的全面发展、社会全面进步。

第六条 中国人民政治协商会议全国委员会和地方委员会坚持公有制为主体、多种所有制经济共同发展的基本经济制度。毫不动摇地巩固和发展公有制经济,毫不动摇地鼓励、支持、引导非公有制经济发展。坚持按劳分配为主体、多种分配方式并存的分配制度。坚持发展社会主义市场经济,贯彻新发展理念,建设现代化经济体系,发挥市场在资源配置中的决定性作用,更好发挥政府作用,促进社会生产力的解放和发展,逐步实现全体人民共同富裕。

第七条 中国人民政治协商会议全国委员会和地方委员会密切联系各方面人士,反映他们及其所联系的群众的意见和要求,对国家机关和国家工作人员的工作提出建议和批评,协助国家机关进行机构改革和体制改革,改进工作,提高工作效率,克服形式主义、官僚主义、享乐主义和奢靡之风,加强廉政建设。

第八条 中国人民政治协商会议全国委员会和地方委员会调整和处理统一战线各方面的关系和中国人民政治协商会议内部合作的重要事项。

第九条 中国人民政治协商会议全国委员会和地方委员会坚持中国特色社会主义文化发展道路,通过各种形式,传承

and China's revolutionary culture remains alive and strong, develop an advanced socialist culture, foster a Chinese ethos and a readiness to respond to the call of the times, and cultivate and practice core socialist values. They shall carry out publicity and educational activities related to the public virtues of loving the motherland, the people, work, science, and socialism and to the revolutionary ideal, moral integrity, and discipline.

Article 10 The CPPCC National Committee and local committees shall follow the principle of letting a hundred flowers bloom and a hundred schools of thought contend to develop science and see culture thrive; maintain close contact with state organs and other relevant organizations; and conduct studies and surveys on political issues, the rule of law, the economy, education, science and technology, culture and art, the press and publishing, medical and health services, sport, and the environment, to create extensive space for views to be shared and talent to be used, so as to give full play to the expertise and roles of CPPCC members.

The National Committee and local committees shall give impetus to and facilitate private participation in all kinds of initiatives that are beneficial to the cause of socialism with Chinese characteristics.

Article 11 The CPPCC National Committee and local committees shall organize members to make inspections, visits, and surveys, assess situations, carry out research on important issues related to various social programs and the people's livelihood, and put forward suggestions and criticisms to the state organs and other relevant organizations through recommendations, proposals, reports on social conditions and public sentiment, and other forms.

Article 12 The CPPCC National Committee and local committees shall encourage members to study Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, the Theory of Three Represents, the Scientific Outlook on Development, and Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, shall organize the study of current events and politics, and study and share professional and scientific knowledge, and shall strengthen their political understanding, their ability to carry out studies and research, their ability to connect with the people, and their ability to work in cooperation with others.

Article 13 The CPPCC National Committee and local committees shall publicize and take part in putting into practice national principles and policies regarding the reunification of the motherland; actively engage in efforts to connect with compatriots from Taiwan and people from all sectors of society, resolutely oppose all separatist activities, and promote the realization of the great cause of China's reunification.

The CPPCC National Committee and local committees shall fully and faithfully

和弘扬中华优秀传统文化，继承革命文化，发展社会主义先进文化，弘扬民族精神和时代精神，培育和践行社会主义核心价值观，开展爱祖国、爱人民、爱劳动、爱科学、爱社会主义的公德以及革命的理想、道德和纪律的宣传教育工作。

第十条 中国人民政治协商会议全国委员会和地方委员会坚持发展科学、繁荣文化的百花齐放、百家争鸣的方针，密切联系国家机关和其他有关组织，在政治、法治、经济、教育、科学技术、文化艺术、新闻出版、医药卫生、体育、环境等方面开展调查研究等活动，广开言路，广开才路，充分发挥委员的专长和作用。

中国人民政治协商会议全国委员会和地方委员会推动和协助社会力量兴办各种有利于中国特色社会主义建设的事业。

第十一条 中国人民政治协商会议全国委员会和地方委员会组织委员视察、考察和调查，了解情况，就各项事业和群众生活的重要问题进行研究，通过建议书、提案、社情民意信息和其他形式向国家机关和其他有关组织提出建议和批评。

第十二条 中国人民政治协商会议全国委员会和地方委员会推动委员自觉学习马克思列宁主义、毛泽东思想、邓小平理论、“三个代表”重要思想、科学发展观、习近平新时代中国特色社会主义思想，组织学习时事政治，学习交流业务和科学技术知识，增强政治把握能力、调查研究能力、联系群众能力、合作共事能力。

第十三条 中国人民政治协商会议全国委员会和地方委员会宣传和参与贯彻执行国家关于统一祖国的方针政策，积极开展同台湾同胞和各界人士的联系，坚决反对一切分裂国家的活动，促进祖国统一大业的实现。

全面准确贯彻“一国两制”、“港人治

implement the policies of “one country, two systems”, “the people of Hong Kong governing Hong Kong”, “the people of Macao governing Macao” and a high degree of autonomy for both regions, and act in strict compliance with [China's Constitution](#) and the basic laws of the two special administrative regions. They shall strengthen ties and unity with compatriots from the Hong Kong Special Administrative Region and the Macao Special Administrative Region and encourage them to contribute to the lasting prosperity and stability of their regions and to the development and reunification of the country.

Article 14 The CPPCC National Committee and local committees shall publicize and facilitate implementation of national strategy on developing a quality workforce and of national policy regarding intellectuals, and respect labor, knowledge, talent, and inventiveness, helping to give full play to the role of all types of talent and intellectuals in socialist modernization.

Article 15 The CPPCC National Committee and local committees shall publicize and facilitate implementation of national policy concerning ethnic groups, reflect the views and demands of ethnic minorities, promote economic, cultural, and social development, and ecological protection in ethnic minority regions, protect the legitimate rights and interests of ethnic minorities, and uphold and improve the system of regional ethnic autonomy. They shall heighten public awareness of ethnic unity and progress; create a strong sense of community for the Chinese nation; encourage more exchanges and interactions among different ethnic groups; develop and preserve socialist relations among ethnic groups based on equality, solidarity, mutual assistance, and harmony; and, contribute to encouraging all ethnic groups to work together for common development and prosperity, enhancing the great unity of all ethnic groups, and safeguarding the reunification of the country.

Article 16 The CPPCC National Committee and local committees shall publicize and facilitate implementation of national policy on freedom of religious belief, support government in managing religious affairs in accordance with the law, uphold the principle of independence and self-governance in religious affairs, provide active guidance to religions so that they can adapt themselves to socialist society, uphold the principle that religions in China must be Chinese in orientation, and unite patriots who belong to religious circles and those with religious beliefs to contribute to the country's development and reunification.

Article 17 The CPPCC National Committee and local committees shall publicize and facilitate implementation of national policy on overseas Chinese, strengthen ties and unity with returned overseas Chinese, the relatives of overseas Chinese nationals who reside in China, and overseas Chinese nationals, and encourage them to play their part in the great cause of national development and reunification.

Article 18 The CPPCC National Committee and local committees shall publicize and

港”、“澳人治澳”、高度自治的方针，严格依照[宪法](#)和基本法办事，加强同香港特别行政区同胞、澳门特别行政区同胞的联系和团结，鼓励他们为保持香港、澳门长期繁荣稳定，为建设祖国和统一祖国作出贡献。

第十四条 中国人民政治协商会议全国委员会和地方委员会宣传和协助贯彻执行国家的人才强国战略和知识分子政策，尊重劳动、尊重知识、尊重人才、尊重创造，以利于充分发挥各类人才和知识分子在社会主义现代化建设中的作用。

第十五条 中国人民政治协商会议全国委员会和地方委员会宣传和协助贯彻执行国家的民族政策，反映少数民族的意见和要求，促进发展民族地区的经济、文化、社会和生态保护事业，维护少数民族的合法权利和利益，坚持和完善民族区域自治制度，深化民族团结进步教育，铸牢中华民族共同体意识，加强各民族交往交流交融，巩固和发展平等团结互助和谐的社会主义民族关系，为促进各民族共同团结奋斗、共同繁荣发展，增进各族人民的大团结和维护祖国的统一贡献力量。

第十六条 中国人民政治协商会议全国委员会和地方委员会宣传和协助贯彻执行国家的宗教信仰自由政策，支持政府依法管理宗教事务，坚持独立自主自办的原则，积极引导宗教与社会主义社会相适应，坚持我国宗教的中国化方向，团结宗教界爱国人士和宗教信仰者为祖国的建设和统一贡献力量。

第十七条 中国人民政治协商会议全国委员会和地方委员会宣传和协助贯彻执行国家的侨务政策，加强同归侨、侨眷和海外侨胞的联系和团结，鼓励他们为祖国的建设事业和统一祖国的大业作出贡献。

第十八条 中国人民政治协商会议全国

facilitate implementation of state foreign policy and, based on actual circumstances, take the initiative to promote people-to-people diplomacy, strengthen friendly exchanges and cooperation with the people of other countries, and give impetus to the building of a community with a shared future for mankind.

Article 19 The CPPCC National Committee and local committees shall take advantage of the CPPCC as a united front organization to carry out collection, research, and publishing work related to cultural and historical materials on modern and contemporary China.

Article 20 The CPPCC National Committee shall strengthen contact with local committees, to communicate about matters and share experience, provide guidance for their work, and research issues common to them.

Chapter II: General Organizational Principles

Article 21 The CPPCC is formed of a National Committee and local committees.

The relationship between the National Committee and the local committees and that between a local committee and its lower-level committees is one of guidance.

Article 22 The National Committee of the CPPCC shall be composed of representatives from the CPC, from other political parties, from among public figures without party affiliation, from people's organizations, and from ethnic minority groups and all sectors of society, compatriots from the Hong Kong Special Administrative Region, the Macao Special Administrative Region and Taiwan, and from among returned overseas Chinese, as well as specially invited individuals, all of whom shall be divided into a number of sectors.

The composition of local committees shall be determined according to local circumstances and in reference to that of the National Committee.

Article 23 Any political party or people's organization which recognizes this Charter and gains approval through consultation by the Standing Committee of the CPPCC National Committee may participate in the National Committee. The participation of members in local committees shall be handled by local committees at each level according to the above provisions of this article.

Article 24 Organizations and individuals participating in the CPPCC National Committee or local committees have an obligation to observe and implement this Charter.

Article 25 The CPPCC Local committees have an obligation to observe and implement national resolutions adopted by the National Committee; lower-level committees have an

委员会和地方委员会宣传和协助贯彻执行国家的外交政策, 根据具体情况, 积极主动地开展人民外交活动, 加强同各国人民的友好往来和合作, 推动构建人类命运共同体。

第十九条 中国人民政治协商会议全国委员会和地方委员会根据统一战线组织的特点进行关于中国近代以来文史资料的征集、研究和出版工作。

第二十条 中国人民政治协商会议全国委员会加强同地方委员会的联系, 沟通情况, 交流经验, 指导工作, 研究地方委员会带共同性的问题。

第二章 组织总则

第二十一条 中国人民政治协商会议设全国委员会和地方委员会。

中国人民政治协商会议全国委员会对地方委员会的关系和地方委员会对下级地方委员会的关系是指导关系。

第二十二条 中国人民政治协商会议全国委员会由中国共产党、各民主党派、无党派人士、人民团体、各少数民族和各界的代表, 香港特别行政区同胞、澳门特别行政区同胞、台湾同胞和归国侨胞的代表以及特别邀请的人士组成, 设若干界别。

中国人民政治协商会议地方委员会的组成, 根据当地情况, 参照全国委员会的组成决定。

第二十三条 凡赞成本章程的党派和团体, 经中国人民政治协商会议全国委员会常务委员会协商同意, 得参加中国人民政治协商会议全国委员会。参加地方委员会者, 由各级地方委员会按照本条上述规定办理。

第二十四条 参加中国人民政治协商会议全国委员会或地方委员会的单位和个人, 都有遵守和履行本章程的义务。

第二十五条 中国人民政治协商会议地方委员会对全国委员会的全国性的决

obligation to observe and implement regional resolutions adopted by their corresponding higher-level committees.

Article 26 The National Committee and local committees shall adopt resolutions by an absolute majority vote of all members. A resolution of the Standing Committee of the National Committee shall be adopted by an absolute majority vote of the Standing Committee members. All participating organizations and individuals have an obligation to observe and implement the resolutions of the CPPCC. In cases of disagreement, on the precondition of resolute implementation, reservations may be voiced.

Article 27 Organizations and individuals participating in the CPPCC National Committee and local committees have the right, through the CPPCC meetings and organizations, to fully express their views and to participate in discussion and deliberation about major national policies and important local affairs; the right to make suggestions and criticisms on the work of state organs and their employees; and the right to report on and expose behavior in breach of law or discipline, and may take part in investigations and inspections organized by relevant departments.

Article 28 Organizations and individuals participating in the CPPCC National Committee and local committees are at liberty to announce their withdrawal.

Article 29 In the event that an organization or individual participating in the CPPCC National Committee or a local committee seriously violates [the CPPCC Charter](#) or a resolution of a plenary session or the Standing Committee, the standing committee of the National Committee or the standing committee of the local committee shall, according to the particulars of the case, take disciplinary action by way of a caution or revoke the qualification of the organization or individual in question to participate in the National Committee or local committee.

In the event that an organization or individual that has been given a disciplinary caution or had their qualification revoked refutes the decision, they may request the decision be reviewed.

Chapter III: Members

Article 30 Members of the CPPCC National Committee and local committees should love the motherland, uphold the leadership of the CPC and the socialist cause, maintain ethnic solidarity and national unity, observe [the Constitution](#) and the law, keep state secrets, maintain integrity and self-discipline, be representative of the sectors to which they belong, and have the necessary social influence and ability to participate in and deliberate state affairs.

议，下级地方委员会对上级地方委员会的全地区性的决议，都有遵守和履行的义务。

第二十六条 中国人民政治协商会议全国委员会和地方委员会全体会议的议案，应经全体委员过半数通过。常务委员会的议案，应经常务委员会全体组成人员过半数通过。各参加单位和个人对会议的决议，都有遵守和履行的义务。如有不同意见，在坚决执行的前提下可以声明保留。

第二十七条 参加中国人民政治协商会议全国委员会和地方委员会的单位和和个人，有通过本会会议和组织充分发表各种意见、参加讨论国家大政方针和各该地方重大事务的权利，对国家机关和国家工作人员的工作提出建议和批评的权利，以及对违纪违法行为为检举揭发的权利，参加有关部门组织的调查和检查活动。

第二十八条 参加中国人民政治协商会议全国委员会和地方委员会的单位和和个人，有声明退出的自由。

第二十九条 参加中国人民政治协商会议全国委员会和地方委员会的单位和和个人，如果严重违反[中国人民政治协商会议章程](#)或全体会议和常务委员会的决议，由全国委员会常务委员会或地方委员会常务委员会分别依据情节给予警告处分，或撤销其参加中国人民政治协商会议全国委员会或地方委员会的资格。

受警告处分或撤销参加资格的单位或个人，如果不服，可以请求复议。

第三章 委员

第三十条 中国人民政治协商会议全国委员会委员和地方委员会委员应热爱祖国，拥护中国共产党的领导和社会主义事业，维护民族团结和国家统一，遵守国家的[宪法](#)和法律，保守国家秘密，廉洁自律，在本界别中有代表性，有社会

Article 31 The admission of members to the CPPCC National Committee must follow relevant procedures and be decided upon through consultation by the National Committee's Standing Committee. The admission of members to a local committee must follow relevant procedures and be decided upon through consultation by the local committee's standing committee.

Article 32 Members of the CPPCC National Committee and local committees should, in accordance with this Charter, actively perform their duties and diligently exercise their rights.

Article 33 Members of the CPPCC National Committee and local committees have the right to vote and to participate in and stand for election at their respective committee sessions; and the right to voice their opinions, criticisms, and suggestions concerning the work of their respective committees.

Article 34 Members of the CPPCC National Committee and local committees shall maintain close contact with the people, understand and reflect their wishes and demands, and attend the sessions and activities organized by their respective committees.

Article 35 Members of the CPPCC National Committee and local committees should properly handle the relationship between their own professional activities and the performance of their duties as CPPCC members, and must not use their membership to pursue interests for themselves, small groups, or individuals with a certain relationship to them.

Article 36 The CPPCC National Committee and local committees should strengthen management over the performance of duties by members, establish records on members' performance, and adopt appropriate means to issue updates on performance.

Article 37 Any person who has seriously harmed national interests or the interests of the people; has, due to a serious violation of discipline or law, been issued organizational or disciplinary action or been sentenced by law, or is under investigation due to a suspected violation of law or discipline; or who is guilty of identity fraud, may not be nominated as a member or be nominated to continue membership.

Article 38 In the event that, due to a change in work or some other reason, it is no longer suitable for a person to continue to act as a member, that person should himself or herself resign. Any member whose actions run counter to public morality or whose behavior is unbefitting of a member should be subject to oral or written inquiries and, in the event that following such a caution the member fails to correct his or her mistakes, shall be instructed to resign.

影响和参政议政能力。

第三十一条 中国人民政治协商会议全国委员会委员经相关程序后，须由中国人民政治协商会议全国委员会常务委员会协商决定。地方委员会委员经相关程序后，须由各级地方委员会常务委员会协商决定。

第三十二条 中国人民政治协商会议全国委员会委员和地方委员会委员应当依照本章程积极履行职责，认真行使权利。

第三十三条 中国人民政治协商会议全国委员会委员和地方委员会委员，在本会会议上有表决权、选举权和被选举权；有对本会工作提出意见、批评、建议的权利。

第三十四条 中国人民政治协商会议全国委员会委员和地方委员会委员要密切联系群众，了解和反映他们的愿望和要求，参加本会组织的会议和活动。

第三十五条 中国人民政治协商会议全国委员会委员和地方委员会委员应当正确处理个人职业活动与履行职责的关系，不得利用委员身份牟取个人、小团体和特定关系人的利益。

第三十六条 中国人民政治协商会议全国委员会和地方委员会应当加强委员履职管理，建立委员履职档案，采取适当方式通报履职情况。

第三十七条 对严重损害国家和人民利益的，因严重违纪违法被给予组织处理、处分或被判刑以及涉嫌违纪违法正在接受调查处理的，在身份上弄虚作假的等，不得提名或继续提名为委员人选。

第三十八条 因工作变动或其他原因不宜继续担任委员的，本人应当辞去委员。对违反社会道德或存在与委员身份不符行为的，应当及时约谈或函询，经提醒仍不改正的，应当责令其辞去委员。

Article 39 The CPPCC National Committee's Standing Committee or local committee's standing committee should handle disciplinary and legal violations by members in accordance with the law and relevant regulations.

Chapter IV: National Committee

Article 40 The participating organizations, the member quota and candidate members, and the makeup of the sectors of each National Committee, shall, after being reviewed and approved by the Chairperson's Council meeting of the previous National Committee, be decided upon through consultation by the Standing Committee.

In the event that, during the term of each National Committee, it is necessary to add or replace a participating organization, the member quota or select new members, after being reviewed and approved by the Chairperson's Council meeting of that National Committee, it shall be decided upon through consultation by the Standing Committee.

Article 41 The term of each National Committee shall be five years. In exceptional circumstances, on approval by a two-thirds majority vote of all the members of its Standing Committee, the term may be extended.

Article 42 The CPPCC National Committee shall have a Chairperson, a number of Vice-Chairpersons, and a Secretary -general.

Article 43 The CPPCC National Committee shall hold a plenary session annually. When the Standing Committee deems it necessary, it may call a session as the need arises.

Article 44 The Plenary Session of the CPPCC National Committee shall exercise the following functions:

1. Making amendments to the [CPPCC Charter](#) and overseeing the Charter's implementation;
2. Electing the Chairperson, Vice-Chairpersons, Secretary-general, and members of the Standing Committee of the National Committee, and deciding upon additions or changes to the Standing Committee membership;
3. Engaging in consultation and deliberation on major national policies and important issues concerning economic, political, cultural, social, and ecological advancement, and making suggestions and criticisms;
4. Hearing and deliberating the work reports of the Standing Committee;
5. Discussing and adopting resolutions on major working principles and tasks of the National Committee.

第三十九条 对违纪违法的委员，中国人民政治协商会议全国委员会常务委员会或地方委员会常务委员会应当依照法律和有关规定作出相应处理。

第四章 全国委员会

第四十条 每届中国人民政治协商会议全国委员会的参加单位、委员名额和人选及界别设置，经上届全国委员会主席会议审议同意后，由常务委员会协商决定。

每届全国委员会任期内，有必要增加或者变更参加单位、委员名额和决定人选时，经本届主席会议审议同意后，由常务委员会协商决定。

第四十一条 中国人民政治协商会议全国委员会每届任期五年。如遇非常情况，由常务委员会以全体组成人员的三分之二以上的多数通过，得延长任期。

第四十二条 中国人民政治协商会议全国委员会设主席，副主席若干人和秘书长。

第四十三条 中国人民政治协商会议全国委员会全体会议每年举行一次。常务委员会认为必要时，得临时召集。

第四十四条 中国人民政治协商会议全国委员会全体会议行使下列职权：

- （一）修改[中国人民政治协商会议章程](#)，监督章程的实施；
- （二）选举全国委员会的主席、副主席、秘书长和常务委员，决定常务委员会组成人员的增加或者变更；
- （三）协商讨论国家的大政方针以及经济建设、政治建设、文化建设、社会建设、生态文明建设中的重要问题，提出建议和批评；
- （四）听取和审议常务委员会的工作报告、提案工作情况报告和其他报告；
- （五）讨论本会重大工作原则、任务并作出决议。

Article 45 The National Committee shall have a Standing Committee to attend to its day-to-day affairs.

The Standing Committee shall be composed of the Chairperson, Vice-Chairpersons, and Secretary-general of the National Committee, and Standing Committee members; candidates for these positions shall be nominated by the political parties, organizations, ethnic groups, and people from all sectors of society participating in the National Committee, and they shall be elected by a plenary session of the National Committee.

The Standing Committee shall convene special meetings on major national policy at least twice a year.

Article 46 The CPPCC National Committee's Standing Committee shall exercise the following functions:

1. Interpreting the CPPCC Charter and overseeing the Charter's implementation;
2. Calling and presiding over National Committee plenary sessions; holding a preparatory meeting prior to the first plenary session of a new National Committee at which all members shall be present to elect a presidium to preside over the first plenary session;
3. Ensuring that the tasks stipulated in this Charter are fulfilled;
4. Executing National Committee plenary session resolutions;
5. When the National Committee is not in session, deliberating and approving important recommendations to be submitted to the National People's Congress and its Standing Committee or to the State Council;
6. Determining, through consultation, National Committee members;
7. On the basis of a proposal made by the Secretary-general, appointing or dismissing a Deputy Secretaries-general of the National Committee;
8. Determining the makeup or alteration of the working bodies of the National Committee, and appointing and dismissing their leading members.

Article 47 The Chairperson of the CPPCC National Committee presides over the work of the Standing Committee. The Vice-Chairpersons and Secretary-general assist the work of the Chairperson.

The Chairperson, Vice-Chairpersons, and Secretary-general make up the Chairperson's Council meeting and attend to the important day-to-day affairs of the Standing Committee.

第四十五条 中国人民政治协商会议全国委员会设常务委员会主持会务。

常务委员会由全国委员会主席、副主席、秘书长和常务委员组成，其候选人由参加中国人民政治协商会议全国委员会的各党派、团体、各民族和各界人士协商提名，经全国委员会全体会议选举产生。

常务委员会每年至少举行两次专题议政性会议。

第四十六条 中国人民政治协商会议全国委员会常务委员会行使下列职权：

- （一）解释[中国人民政治协商会议章程](#)，监督章程的实施；
- （二）召集并主持中国人民政治协商会议全国委员会全体会议；每届第一次全体会议前召开全体委员参加的预备会议，选举第一次全体会议主席团，由主席团主持第一次全体会议；
- （三）组织实现[中国人民政治协商会议章程](#)规定的任务；
- （四）执行全国委员会全体会议的决议；
- （五）全国委员会全体会议闭会期间，审查通过提交全国人民代表大会及其常务委员会或国务院的重要建议案；
- （六）协商决定全国委员会委员；
- （七）根据秘书长的提议，任免中国人民政治协商会议全国委员会副秘书长；
- （八）决定中国人民政治协商会议全国委员会工作机构的设置和变动，并任免其领导成员。

第四十七条 中国人民政治协商会议全国委员会主席主持常务委员会的工作。副主席、秘书长协助主席工作。

主席、副主席、秘书长组成主席会议，处理常务委员会的重要日常工作。

The Chairperson's Council meeting is entrusted by the Standing Committee to preside over the preparatory meeting of the first plenary session of the next National Committee.

Article 48 The National Committee shall put in place a certain number of Deputy Secretaries-general to assist the Secretary-general in his or her work. It shall put in place a general office, which operates under the leadership of the Secretary-general.

Article 49 The CPPCC National Committee shall, based on work requirements and at the discretion of the Standing Committee, establish a certain number of special committees and other working bodies. Special committees should play a fundamental role in the work of the National Committee.

Chapter V: Local Committees

Article 50 Provinces, autonomous regions, and municipalities directly under the Central Government shall set up CPPCC committees; autonomous prefectures, cities with administrative districts, counties, autonomous counties, cities with no administrative districts, and municipal districts, where circumstances allow, shall also establish CPPCC committees.

Article 51 The participating organizations, the member quota and candidate members, and the makeup of the sectors of a new local committee shall, after being reviewed and approved by the Chairperson's Council meeting of the previous local committee, be decided upon through consultation by that committee's standing committee.

In the event that, during a local committee's term in office, it is necessary to add or replace a participating organization, the member quota or select new members, after being reviewed and approved by the Chairperson's Council meeting of that local committee, it shall be decided upon through consultation by the committee's standing committee.

Article 52 A CPPCC local committee of a province, autonomous region, municipality directly under the Central Government, autonomous prefecture, city with administrative districts, county, autonomous county, city with no administrative districts, or municipal district shall serve a term of five years.

Article 53 A CPPCC local committee shall have a Chairperson, a certain number of Vice-Chairpersons and a Secretary-general.

Article 54 CPPCC Local committees at each level shall convene at least one plenary session every year.

Article 55 CPPCC Local committees at each level shall exercise the following functions:

主席会议受常务委员会的委托,主持下一届第一次全体会议预备会议。

第四十八条 中国人民政治协商会议全国委员会设副秘书长若干人,协助秘书长进行工作。设立办公厅,在秘书长领导下进行工作。

第四十九条 中国人民政治协商会议全国委员会根据工作需要,设立若干专门委员会及其他工作机构,由常务委员会决定。专门委员会在工作中应发挥基础性作用。

第五章 地方委员会

第五十条 省、自治区、直辖市设中国人民政治协商会议的省、自治区、直辖市委员会;自治州、设区的市、县、自治县、不设区的市和市辖区,凡有条件的地方,均可设立中国人民政治协商会议各该地方的地方委员会。

第五十一条 每届中国人民政治协商会议地方委员会的参加单位、委员名额和人选及界别设置,经上届地方委员会主席会议审议同意后,由常务委员会协商决定。

每届地方委员会任期内,如有必要增加或者变更参加单位、委员名额和决定人选,经本届地方委员会主席会议审议同意后,由常务委员会协商决定。

第五十二条 中国人民政治协商会议的省、自治区、直辖市、自治州、设区的市、县、自治县、不设区的市和市辖区的地方委员会每届任期五年。

第五十三条 中国人民政治协商会议各级地方委员会设主席,副主席若干人和秘书长。

第五十四条 中国人民政治协商会议各级地方委员会的全体会议每年至少举行一次。

第五十五条 中国人民政治协商会议各级地方委员会全体会议行使下列职权:

1. Electing the Chairperson, Vice-Chairpersons, Secretary-general, and members of its standing committee, and deciding upon additions or changes to the standing committee membership;

2. Hearing and deliberating its standing committee's work reports, reports on the handling of proposals, and other reports;

3. Deliberating on and adopting resolutions;

4. Participating in the discussion of important issues related to national and local affairs, and making suggestions and criticisms.

Article 56 CPPCC Local committees at each level shall set up standing committees to preside over committee affairs.

The standing committee of a local committee shall be comprised of a Chairperson, a certain number of Vice-Chairpersons, a Secretary-general, and standing committee members, to be elected by a plenary session of the local committee from among candidates nominated by the political parties, organizations, ethnic groups, and people from all sectors of society participating in the local committee.

Article 57 The standing committee of a CPPCC local committee shall exercise the following functions:

1. Calling and presiding over the local committee's plenary sessions, calling a preparatory meeting prior to the convening of the first plenary session of a new committee to elect a presidium to preside over the first plenary session;

2. Ensuring fulfillment of the tasks stipulated in this Charter and the national resolutions of the National Committee and regional resolutions of higher-level local committees;

3. Executing the resolutions of the local committee's plenary sessions;

4. When the local committee is not in session, deliberating and adopting important proposals to be submitted to the local People's Congress and its Standing Committee or to the local people's government;

5. Determining, through consultation, local committee members;

6. On the basis of a proposal made by the Secretary-general, appointing or dismissing Deputy Secretaries-general of the local committee;

7. Determining the makeup or alteration of the working bodies of the local committee and the appointment and dismissal of their leading members.

Article 58 The Chairperson of a local committee's standing committee presides over the

(一) 选举地方委员会的主席、副主席、秘书长和常务委员, 决定常务委员会组成人员的增加或者变更;

(二) 听取和审议常务委员会的工作报告、提案工作情况报告和其他报告;

(三) 讨论并通过有关的决议;

(四) 参与对国家和地方事务的重要问题的讨论, 提出建议和批评。

第五十六条 中国人民政治协商会议各级地方委员会设常务委员会主持会务。

常务委员会由地方委员会主席、副主席、秘书长和常务委员组成, 其候选人由参加各该地方委员会的各党派、团体、各民族和各界人士协商提名, 经全体会议选举产生。

第五十七条 中国人民政治协商会议地方委员会常务委员会行使下列职权:

(一) 召集并主持地方委员会全体会议; 每届第一次全体会议前召开全体委员参加的预备会议, 选举第一次全体会议主席团, 由主席团主持第一次全体会议;

(二) 组织实现[中国人民政治协商会议章程](#)规定的任务和全国委员会所作的全国性的决议以及上级地方委员会所作的全地区性的决议;

(三) 执行地方委员会全体会议的决议;

(四) 地方委员会全体会议闭会期间, 审议通过提交同级地方人民代表大会及其常务委员会或人民政府的重要建议案;

(五) 协商决定地方委员会委员;

(六) 根据秘书长的提议, 任免地方委员会的副秘书长;

(七) 决定地方委员会工作机构的设置和变动, 并任免其领导成员。

第五十八条 中国人民政治协商会议各

work thereof. The Vice-Chairpersons and Secretary General assist the work of the Chairperson.

The Chairperson, Vice-Chairpersons, and Secretary-general make up the Chairperson's Council meeting to attend to the important day-to-day work of the local committee's standing committee.

The Chairperson's Council meeting shall, entrusted by the standing committee, preside over the preparatory meeting of the first plenary session of the next local committee.

Article 59 Local committees at all levels may, as needs require, have one or several Deputy Secretaries General to assist the Secretary-general in his or her work.

Article 60 The local committees of provinces, autonomous regions, and municipalities directly under the Central Government shall set up general offices and, according to actual local circumstances and work requirements and at the discretion of their standing committees, establish special committees and other working bodies.

The local committees of autonomous prefectures, cities with administrative districts, counties, autonomous counties, cities with no administrative districts, and municipal districts shall set up working bodies according to actual local circumstances and work requirements, and at the discretion of their standing committees.

Chapter VI: Emblem

Article 61 The CPPCC emblem is an image composed of a five-pointed star, a gear and ears of wheat, four red flags and ribbons, a map of China and the Earth, and “1949” and “Chinese People's Political Consultative Conference” in Chinese.

Article 62 On the CPPCC emblem, the five-pointed star represents the leadership of the CPC; the gear and the ears of wheat represent the worker-farmer alliance as the foundation; the red flags and ribbons represent the great unity and solidarity of all parties, organizations, ethnic groups, and social strata; the map of China and the Earth represent the unity of the entire Chinese people, including the people of the Hong Kong Special Administrative Region, the Macao Special Administrative Region, and Taiwan, and overseas Chinese; and “1949” and “Chinese People's Political Consultative Conference” are, respectively, the founding year and name.

Article 63 All participating organizations and individuals of the CPPCC must protect the dignity of the emblem. Production and use of the emblem shall be in accordance with regulations.

级地方委员会的主席主持常务委员会的工作。副主席、秘书长协助主席工作。

主席、副主席、秘书长组成主席会议，处理常务委员会的重要日常工作。

主席会议受常务委员会的委托，主持下一届第一次全体会议预备会议。

第五十九条 中国人民政治协商会议各级地方委员会可以按照需要设副秘书长一人至数人，协助秘书长进行工作。

第六十条 省、自治区、直辖市的地方委员会设立办公厅，专门委员会及其他工作机构的设置，按照当地实际情况和工作需要，由常务委员会决定。

自治州、设区的市、县、自治县、不设区的市和市辖区的地方委员会的工作机构的设置，按照当地实际情况和工作需要，由常务委员会决定。

第六章 会徽

第六十一条 中国人民政治协商会议会徽为一颗五角星、齿轮和麦穗、四面红旗和缎带、中国地图和地球、“1949”和“中国人民政治协商会议”组成的图案。

第六十二条 中国人民政治协商会议会徽中，一颗五角星表示中国共产党领导；齿轮和麦穗表示以工农联盟为基础；四面红旗和缎带表示各党派、各团体、各民族、各阶层的大团结大联合；中国地图和地球表示全国人民包括香港特别行政区同胞、澳门特别行政区同胞、台湾同胞和海外侨胞的团结；“1949”和“中国人民政治协商会议”分别为诞生时间、名称。

第六十三条 中国人民政治协商会议各参加单位和个人都要维护会徽的尊严。要按照规定制作和使用会徽。

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All-China Federation of Industry and Commerce

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中国工商业联合会章程

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总 则

中国工商业联合会(简称工商联)是中国共产党领导的面向工商界、以非公有制企业和非公有制经济人士为主体的人民团体和商会组织,是党和政府联系非公有制经济人士的桥梁纽带,是政府管理和服务非公有制经济的助手。工商联工作是党的统一战线工作和经济工作的重要内容。工商联事业是中国特色社会主义事业的重要组成部分。

工商联以中华人民共和国宪法为根本准则,按照章程开展工作。

工商联高举中国特色社会主义伟大旗帜，以邓小平理论、“三个代表”重要思想、科学发展观为指导，坚持党的领导，坚持公有制为主体、多种所有制经济共同发展的基本经济制度，围绕经济建设中心，服务党和国家工作大局，继续解放思想，坚持改革开放，推动科学发展，促进社会和谐。

工商联具有统战性、经济性、民间性有机统一的基本特征，以非公有制经济健康发展和非公有制经济人士健康成长为工作主题。充分发挥在非公有制经济人士思想政治工作中的引导作用，在非公有制经济人士参与国家政治生活和社会事务中的重要作用，在政府管理和服务非公有制经济中的助手作用，在行业协会商会改革发展中的促进作用，在构建和谐劳动关系、加强和创新社会管理中的协同作用，是工商联的主要职能。

工商联以建设政治坚定、特色鲜明、机制健全、服务高效、作风优良的人民团体和商会组织为目标，全面加强思想建设、组织建设、作风建设、反腐倡廉建设、制度建设，不断增强凝聚力、影响力、执行力；坚持团结、服务、引导、教育的方针，引导非公有制经济人士坚决拥护中国共产党的领导、坚定不移走中国特色社会主义道路，积极投身社会主义经济建设、政治建设、文化建设、社会建设和生态文明建设，为把我国建设成为富强民主文明和谐的社会主义现代化国家，为实现祖国完全统一和中华民族伟大复兴而奋斗。

第一章 职能与任务

第一条 加强和改进非公有制经济人士思想政治工作。

（一）引导非公有制经济人士践行社会主义核心价值观体系，树立中国特色社会主义共同理想，树立义利兼顾、以义为先理念，学习、贯彻党和国家的方针政策，发扬自我教育的优良传统，自觉地把自身企业的发展与国家的发展结合起来，把个人富裕与全体人民的共同富裕结合起来，把遵循市场法则与发扬社会主义道德结合起来，爱国、敬业、诚信、守法、贡献，做合格的中国特色社会主义事业建设者。宣传表彰他们中的先进典型。

（二）引导非公有制经济人士弘扬中华传统美德，弘扬时代新风，致富思源、富而思进，积极承担社会责任，热心公益事业，投身光彩事业，加强企业文化建设，支持企业党建工作，为基层党组织开展活动、发挥作用提供必要条件。

第二条 参与政治协商，发挥民主监督作用，积极参政议政。

（一）密切同非公有制经济人士的联系，深入了解他们的意愿和要求，向党和政府提出相关意见和建议。

(二) 围绕贯彻落实党的路线方针政策, 参与国家有关政策、法律法规的制定和贯彻执行, 促进非公有制经济市场环境、政策环境、法治环境、社会环境的改善。

(三) 帮助非公有制经济代表人士提高参政议政能力和水平, 积极反映社情民意, 有序参与政治生活和社会事务。

(四) 做好非公有制经济代表人士的发现、培养、推荐和管理工作。

第三条 协助政府管理和服务非公有制经济。

(一) 积极探索建立适应社会主义市场经济要求的服务载体和机制, 为非公有制企业提供政策、信息、法律、融资、技术、人才等方面服务, 引导非公有制企业按照科学发展观要求, 加快经济发展方式转变和产业优化升级, 推进结构调整和自主创新, 不断增强市场竞争能力、抵御风险能力和可持续发展能力。

(二) 增强与香港特别行政区、澳门特别行政区和台湾地区工商界的联系, 促进经贸合作。积极开展民间外交, 加强同国外工商界的交流合作, 为非公有制企业开展国际合作提供服务。

(三) 承办政府和有关部门委托事项。组织非公有制企业参与实施国家区域发展战略, 为地方经济建设服务, 促进城乡、区域统筹协调发展。

第四条 促进行业协会商会改革发展。

(一) 履行社会团体业务主管单位职责, 指导和推动商会组织依照法律法规和本章程制定商会章程, 完善法人治理结构, 规范内部管理, 发挥宣传政策、提供服务、反映诉求、维护权益、加强自律的作用, 培育和中国特色商会组织。

(二) 参与行业协会商会政策法律的制定。指导商会反映行业发展动态, 促进行业健康发展。

第五条 参与协调劳动关系, 协同社会管理, 促进社会和谐稳定。

(一) 参与协调劳动关系三方会议, 同政府部门、工会组织和其他有关企业方代表一道, 共同推动劳动关系立法、健全劳动标准体系和劳动关系协调机制, 共同研究解决劳动关系中的重大问题, 参与劳动争议调解、仲裁。

(二) 引导非公有制企业依法与工会就职工工资、生活福利、社会保险等涉及职工切身利益问题进行平等协商, 签订集体合同。

(三) 协调处理投资者利益和劳动者权益的关系, 引导非公有制企业构建和谐劳动关系, 积极创造就业岗位, 严格遵守国家相关法律法规和政策措施, 尊重和维护员工合法权益, 协助指导非公有制企业党建工作, 推动其建立工会等群团组织, 积极开展活动。

第六条 反映非公有制企业和非公有制经济人士利益诉求, 维护其合法权益。参与经济纠纷的调解、仲裁。

第七条 依法加强会产管理和保护。

第二章 会 员

第八条 凡承认本章程，自愿参加工商联的一个组织，承诺履行会员义务的企业、团体和个人，可以申请入会。

（一）各类企业入会申请经批准后，为企业会员。

企业会员的主体是非公有制企业，主要包括私营企业、非公有制经济成分控股的有限责任公司和股份有限公司、港澳投资企业等。

（二）具有法人资格的行业协会、行业商会、异地商会、私营企业协会、个体劳动者协会等工商社团和其他有关社会组织，入会申请经批准后，为团体会员；

工商联所属商会为团体会员。

（三）非公有制企业主要出资人和经营者、个体工商户等，入会申请经批准后，为个人会员；

与工商联工作有联系的有关人士、在内地投资的港澳工商界人士，可以申请成为个人会员；

与工商联建立工作联系的单位代表，经协商，可被邀请作为个人会员入会；

原工商业者均为个人会员。

第九条 实行会员入会自愿和退会自由的原则。

各级工商联可根据本章程规定与实际情况，制定具体的会员入会条件及办理入、退会手续的办法，并报上一级工商联备案。

第十条 会员如违反本章程或触犯刑律，应停止或取消其会籍。

第十一条 地方各级工商联的会员，同时也是上级工商联的会员。

第十二条 会员有下列权利：

（一）选举权、被选举权和表决权；

（二）向工商联反映意见、要求和建议；

（三）参加工商联组织的参观考察、学习培训等活动；

（四）接受工商联提供的服务；

（五）要求工商联维护其合法权益；

(六) 对工商联工作进行监督。

第十三条 会员有下列义务：

(一) 遵守本章程；

(二) 执行组织决议；

(三) 按规定交纳会费；

(四) 关心支持工商联工作；

(五) 接受组织监督；

(六) 办理组织委托的事项。

第三章 组 织

第十四条 工商联按国家行政区划设置全国组织和地方组织：中华全国工商业联合会为全国组织，简称全国工商联；省、自治区、直辖市工商联和新疆生产建设兵团工商联，市（地区、自治州、盟、直辖市的区）工商联为地方组织。县（市、旗、省辖市的区）工商联既为地方组织又为基层组织。工商联所属商会为基层组织。

第十五条 工商联可设立行业商会（同业公会）、乡镇商会、街道商会、园区商会、异地商会等商会组织，并作为其业务主管单位。

第十六条 工商联的组织原则是民主集中制。上级工商联对下级工商联具有指导关系。

第十七条 工商联的最高权力机构是代表大会（会员大会）。它的职权是：

(一) 听取和审议执行委员会报告；

(二) 选举执行委员会；

(三) 讨论决定工商联的重要事项。

中国工商业联合会全国代表大会负责修改章程。

第十八条 工商联代表大会（会员大会），每五年召开一次。必要时可以提前或延期召开。

代表大会（会员大会）由执行委员会召集。大会期间由选举产生的主席团主持会议。

第十九条 工商联代表大会的代表，按照协商推选方式产生，根据需要也可以特邀部分代表。

代表大会代表的名额和分配办法，由执行委员会或授权常务委员会决定。

第二十条 工商联的执行委员会，在代表大会（会员大会）闭会期间，是工商联的最高领导机构，其职权是：

- （一）贯彻执行代表大会或会员大会的决议；
- （二）听取和审议常务委员会的报告；
- （三）讨论和决定工作任务；
- （四）选举主席、副主席、常务委员。

执行委员会每届任期五年，全体会议每年召开一次。

下一届执行委员会委员名额分配、产生办法由上一届执行委员会或授权常务委员会决定。

第二十一条 执行委员会委员的责任和义务：

- （一）坚持正确的政治方向，认真执行党的路线方针政策；
- （二）发挥参政议政作用，就经济社会发展中的重要问题建言献策；
- （三）热爱工商联工作，参加组织的会议活动；
- （四）执行工商联的各项决议；
- （五）广泛联系会员，反映会员的意见和要求；
- （六）对工商联工作提出意见和建议。

第二十二条 常务委员会由主席、副主席、秘书长、常务委员组成，每届任期与执行委员会相同，在执行委员会闭会期间行使执行委员会职权：

- （一）贯彻实施执行委员会的决议；
- （二）讨论研究工作任务；
- （三）对执行委员会负责并报告工作。

常务委员会会议每年召开两次。

下一届常务委员会委员名额分配、产生办法由上一届执行委员会或授权常务委员会决定。

县级工商联视情况决定是否设置常务委员会。

第二十三条 主席主持会务，副主席协助主席工作。主席、副主席组成主席会议，研究决定重要事项。

副主席分为专职副主席和兼职副主席。专职副主席连续任职原则上不超过两届。全国工商联兼职副主席原则上不连续任职，地方工商联兼职副主席连续任职原则上不超过两届。

全国工商联和省级工商联设常务副主席，由同级执行委员会选举产生。

地方工商联秘书长由本级执行委员会选举产生，是主席会议的组成人员。

每届执行委员会产生的领导机构和领导人，在下届代表大会（会员大会）开会期间，继续主持经常工作，直到下届执行委员会产生新的领导机构和领导人为止。

第二十四条 执行委员会会议、常务委员会会议、主席会议在特殊情况下可以通讯方式召开。

第二十五条 未经批准，执行委员三次不参加执行委员会会议，应免去其执行委员职务；常务委员三次不参加常务委员会会议，应免去其常务委员职务。

第二十六条 工商联的执行委员会、常务委员会组成人员，可在届中进行调整，调整的人员由执行委员会通过，或由常务委员会通过，提交执行委员会确认。

地方工商联换届时应向上一级工商联报告筹备情况，选举结果报上一级工商联备案。

第二十七条 工商联根据工作需要设立工作部门和专门委员会。

第二十八条 地方工商联新设或撤并，应报请同级党委批准，并报上级工商联备案。

第二十九条 中华全国工商业联合会又称中国民间商会，地方工商联为地方商会。

会长由工商联主席兼任，副会长原则上由工商联专职副主席、非公有制经济代表人士兼（担）任，会长、副会长由工商联执行委员会选举产生。

中国民间商会副会长中的非公有制经济代表人士原则上不连续任职，地方商会副会长中的非公有制经济代表人士连续任职原则上不超过两届。

第四章 工作人员

第三十条 工商联机关应遵照中华人民共和国公务员法的规定，加强对工作人员的培养、考核、激励和监督，建设一支政治强、业务精、作风正的公务员队伍。

第三十一条 工商联工作人员应当做到：

（一）高举中国特色社会主义伟大旗帜，认真学习马克思列宁主义、毛泽东思想、邓小平理论、“三个代表”重要思想、科学发展观，学习党的理论和路线方针政策以及现代市场经济、现代科技、现代管理、法律等方面知识，具有履行职责所需要的理论、政策、业务水平；

（二）树立中国特色社会主义理想信念，具有较强的事业心和责任感，热爱工商联事业，解放思想，勇于创新，忠于职守，勤奋工作，具备较强的政治把握能力、调查研究能力、群众工作能力、落实推进能力；

（三）坚持求真务实、深入基层、调查研究，树立良好作风，密切联系会员和非公有制经济人士，增强服务意识；

（四）严于律己、勤政廉洁、顾全大局、遵守纪律，自觉接受组织和会员的监督。

第五章 会 徽

第三十二条 工商联的会徽为桥梁纽带造型组成的图案。

工商联的会徽，可作为会章佩带；可在工商联组织的办公地点、活动场所、会议会场悬挂；可作为纪念品、办公用品上的标志；未经授权，不得作商业用途。

第六章 附 则

第三十三条 本章程为各级工商联（中国民间商会和地方商会）的统一章程，经中国工商业联合会全国代表大会通过。

第三十四条 本章程的解释权属于中华全国工商业联合会。

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浙江省工商业联合会
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浙江省工商业联合会
浙江省商会



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浙江省工商业联合会（浙江省商会）简介

中国工商业联合会是中国共产党领导的中国工商界组成的人民团体和民间商会，是中国人民政治协商会议的组成单位之一，是党和政府联系非公有制经济人士的桥梁和纽带，是政府管理非公有制经济的助手。

浙江省工商业联合会是中国工商业联合会的省级地方组织，简称浙江省工商联，又称浙江省商会，成立于1952年，截至2018年底，全省工商联共有会员28.93万个，商会组织4185个。

浙江省工商联的主要职能与任务是：参与党和国家大政方针和本省政治、经济、社会生活中的重要问题的政治协商，发挥参政议政民主监督作用；对有关非公有制经济的政策等问题进行研究和探讨，并协助贯彻执行；做好非公有制经济代表人士的思想政治工作，宣传、贯彻党和国家的方针政策；参与相关经济活动，协助政府对会员企业经营情况、财务、税收进行检查和监督；参与会员企业有关技术鉴定、质量管理、科技项目申报、产品评优等工作；为会员提供经济法律咨询、融资、维权、科技、信息、新闻舆论、管理等服务，帮助会员改进经营管理，提高生产技术和产品质量；积极发展与港、澳、台及海外工商社团和工商经济界人士的合作与交流，推动经贸合作和技术交流，协助引进资金、技术、人才；举办和组织会员参加国内外各种展销会、交易会，组织会员出国、出境考察访问，帮助会员开拓国内、国际市场；指导全省各级工商联（商会）和直属商会的工作，组织和管理同业公会、行业商会（协会）工作；协助有关部门做好私营企业协会、个体劳动者协会、异地商会和以非公有制经济为主体的社团组织的指导工作。

浙江省工商联正以崭新的面貌，为浙江省全面建设小康社会，提前基本实现现代化而努力奋斗。

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中华人民共和国保守国家秘密法实施条例

Implementing Regulations of the Law of the People's Republic of China on Guarding State Secrets

颁布机关: 国务院
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中华人民共和国国务院令

第646号

现公布《中华人民共和国保守国家秘密法实施条例》,自2014年3月1日起施行。

总理李克强
2014年1月17日

中华人民共和国保守国家秘密法实施条例
第一章 总则

Order No. 646 of the State Council of the People's Republic of China

The Implementing Regulations of the Law of the People's Republic of China on Guarding State Secrets is hereby promulgated, and shall come into effect on March 1, 2014.

Premier Li Keqiang

January 17, 2014

Implementing Regulations of the Law of the People's Republic of China on Guarding State Secrets

Chapter 1: General Provisions

第一条 根据《中华人民共和国保守国家秘密法》(以下简称保密法)的规定,制定本条例。

Article 1 These Regulations are formulated in accordance with the Law of the People's Republic of China on Guarding State Secrets (hereinafter referred to as the "Law on Guarding State Secrets").

第二条 国家保密行政管理部门主管全国的保密工作。县级以上地方各级保密行政管理部门在上级保密行政管理部门指导下,主管本行政区域的保密工作。

Article 2 The State administrative department for protection of State secrets shall be in charge of confidentiality work at the national level. Local administrative departments for protection of State secrets at and above the county level shall be in charge of confidentiality work within their respective administrative regions under the guidance of superior administrative departments for protection of State secrets.

第三条 中央国家机关在其职权范围内管理或者指导本系统的保密工作,监督执行保密法律法规,可以

根据实际情况制定或者会同有关部门制定主管业务方面的保密规定。

Article 3 State organs at the central level shall manage or direct the confidentiality work of their respective systems within their respective scope of authority, supervise the compliance with confidentiality laws and regulations, and may formulate, independently or in conjunction with relevant departments, the confidentiality provisions applicable to the business activities for which they are responsible according to actual situations.

第四条 县级以上人民政府应当加强保密基础设施建设和关键保密科技产品的配备。

省级以上保密行政管理部门应当加强关键保密科技产品的研发工作。

保密行政管理部门履行职责所需的经费,应当列入本级人民政府财政预算。机关、单位开展保密工作所需经费应当列入本机关、本单位的年度财政预算或者年度收支计划。

Article 4 The people's governments at and above the county level shall strengthen the construction of confidentiality infrastructures, and equip themselves with more key technological products for confidentiality.

Administrative departments for protection of State secrets at and above the provincial level shall step up the research and development of key technological products for confidentiality.

The funds needed by an administrative department for protection of State secrets to fulfil its duties shall be included in the fiscal budget of the people's government at the same level. The funds needed by an organ or entity to carry out confidentiality work shall be included in its own annual fiscal budget or annual revenue and expenditure plan.

第五条 机关、单位不得将依法应当公开的事项确定为国家秘密,不得将涉及国家秘密的信息公开。

Article 5 Organs and entities shall not determine matters that should be disclosed in accordance with the law as State secrets, and shall not make public information involving State secrets.

第六条 机关、单位实行保密工作责任制。机关、单位负责人对本机关、本单位的保密工作负责,工作人员对本岗位的保密工作负责。

机关、单位应当根据保密工作需要设立保密工作机构或者指定人员专门负责保密工作。

机关、单位及其工作人员履行保密工作责任制情况应当纳入年度考评和考核内容。

Article 6 A confidentiality work accountability system shall be adopted by organs and entities. The person in charge of an organ or entity shall be responsible for the confidentiality work of the organ or entity, while the staff members shall be responsible for the confidentiality work of their respective positions.

Organs and entities shall set up confidentiality work bodies or designate persons to be specifically in charge of confidentiality work according to the needs of confidentiality work.

The execution of the confidentiality work accountability system by an organ or entity and its staff members shall be included in annual assessment and appraisal.

第七条 各级保密行政管理部门应当组织开展经常性的保密宣传教育。机关、单位应当定期对本机关、本单位工作人员进行保密形势、保密法律法规、保密技术防范等方面的教育培训。

第二章 国家秘密的范围和密级

Article 7 Administrative departments for protection of State secrets at all levels shall organize regular publicity and education on confidentiality work. Organs and entities shall provide their own staff members with regular education and training in terms of confidentiality work situations, confidentiality laws and regulations, confidentiality technical precautions, etc.

Chapter 2: Scope and Classification Levels of State Secrets

第八条 国家秘密及其密级的具体范围(以下称保密事项范围)应当明确规定国家秘密具体事项的名称、密级、保密期限、知悉范围。

保密事项范围应当根据情况变化及时调整。制定、修订保密事项范围应当充分论证,听取有关机关、单位和相关领域专家的意见。

Article 8 The specific scope of State secrets and their classification levels (hereinafter referred to as the "Scope of Confidential Matters") shall specify the titles, classification levels, confidentiality periods and the scope of insiders of the specific matters of State secrets.

The Scope of Confidential Matters shall be promptly adjusted according to changes in circumstances. During the determination and revision of the Scope of Confidential Matters, it is imperative to conduct sufficient discussion, and listen to the opinions of relevant organs and entities, as well as experts from related fields.

第九条 机关、单位负责人为本机关、本单位的定密责任人,根据工作需要,可以指定其他人员为定密责任人。

专门负责定密的工作人员应当接受定密培训,熟悉定密职责和保密事项范围,掌握定密程序和方法。

Article 9 The person in charge of an organ or entity shall be responsible for determining secrets of the organ or entity. Other persons of the organ or entity may be designated as persons responsible for determining secrets based on work needs.

The staff members of an organ or entity who are specifically responsible for determining secrets shall receive training on determining secrets, familiarize themselves with the duties of determining secrets and the Scope of Confidential Matters, and master the procedures and methods for determining secrets.

第十条 定密责任人在职责范围内承担有关国家秘密确定、变更和解除工作。具体职责是:

- (一)审核批准本机关、本单位产生的国家秘密的密级、保密期限和知悉范围;
- (二)对本机关、本单位产生的尚在保密期限内的国家秘密进行审核,作出是否变更或者解除的决定;
- (三)对是否属于国家秘密和属于何种密级不明确的事项先行拟定密级,并按照规定的程序报保密行政管理部门确定。

Article 10 A person of an organ or entity who is responsible for determining secrets shall be in charge of the work for determining, changing and declassifying State secrets. His/her specific duties include:

(1) To review and approve the classification levels, confidentiality periods and scope of insiders of the State secrets generated by the organ or entity;

(2) To review the State secrets generated by the organ or entity that are still within their respective confidentiality period, and decide whether to change or declassify such State secrets; and

(3) To preliminarily determine the classification levels of matters that may or may not be State secrets and matters whose classification level is unclear, and submit such preliminarily-determined classification levels to the relevant administrative department for protection of State secrets for final determination according to prescribed procedures.

第十一条 中央国家机关、省级机关以及设区的市、自治州级机关可以根据保密工作需要或者有关机关、单位的申请,在国家保密行政管理部门规定的定密权限、授权范围内作出定密授权。

定密授权应当以书面形式作出。授权机关应当对被授权机关、单位履行定密授权的情况进行监督。

中央国家机关、省级机关作出的授权,报国家保密行政管理部门备案;设区的市、自治州级机关作出的授权,报省、自治区、直辖市保密行政管理部门备案。

Article 11 State organs at the central level, provincial organs and organs at the level of cities with districts and autonomous prefectures may, based on the needs of confidentiality work or according to the applications from relevant organs or entities, grant authorization for determining secrets within the authority for determining secrets and the scope of authorization prescribed by the State administrative department for protection of State secrets.

The authorization for determining secrets shall be granted in writing. The organ that grants the authorization shall supervise the authorized organ or entity in its exercise of the authority for determining secrets.

Authorization granted by State organs at the central level and provincial organs shall be reported to the State administrative department for protection of State secrets for record-filing, while authorization granted by organs at the level of cities with districts and autonomous prefectures shall be reported to the administrative departments for protection of State secrets of the relevant provinces, autonomous regions and municipalities directly under the Central Government for record-filing.

第十二条 机关、单位应当在国家秘密产生的同时,由承办人依据有关保密事项范围拟定密级、保密期限和知悉范围,报定密责任人审核批准,并采取相应保密措施。

Article 12 As soon as a State secret is generated in an organ or entity, the handling officer concerned shall preliminarily determine the classification level, confidentiality period and scope of insiders of the State secret based on the Scope of Confidential Matters, submit the same to the person in charge of determining secrets for review and approval, and take appropriate confidentiality measures.

第十三条 机关、单位对所产生的国家秘密,应当按照保密事项范围的规定确定具体的保密期限;保密事项范围没有规定具体保密期限的,可以根据工作需要,在保密法规定的保密期限内确定;不能确定保密期限的,应当确定解密条件。

国家秘密的保密期限,自标明的制发日起计算;不能标明制发日的,确定该国家秘密的机关、单位应当书面通知知悉范围内的机关、单位和人员,保密期限自通知之日起计算。

Article 13 An organ or entity shall determine the specific confidentiality period for a State secret generated as prescribed by the Scope of Confidential Matters, and may determine the same within the confidentiality period prescribed by the Law on Guarding State Secrets according to work needs in the absence of any specific confidentiality period prescribed by the Scope of Confidential Matters. Where the confidentiality period cannot be determined, the organ or entity shall determine the conditions for declassification.

The confidentiality period of a State secret shall commence from the date indicated for the generation of the State secret. Where the date on which the State secret is generated cannot be explicitly indicated, the organ or entity that determines the State secret shall notify the organs, entities and personnel within the scope of insiders in writing, and the confidentiality period shall commence from the date of such notification.

第十四条 机关、单位应当按照保密法的规定,严格限定国家秘密的知悉范围,对知悉机密级以上国家秘密的人员,应当作出书面记录。

Article 14 An organ or entity shall strictly limit the scope of insiders of State secrets in accordance with the Law on Guarding State Secrets, and record in writing persons with knowledge of State secrets at and above the strictly-confidential level.

第十五条 国家秘密载体以及属于国家秘密的设备、产品的明显部位应当标注国家秘密标志。国家秘密标志应当标注密级和保密期限。国家秘密的密级和保密期限发生变更的,应当及时对原国家秘密标志作出变更。

无法标注国家秘密标志的,确定该国家秘密的机关、单位应当书面通知知悉范围内的机关、单位和人员。

Article 15 Labels of State secrets shall be affixed to eye-catching parts of the carriers of State secrets, and the equipment and products that are State secrets. A label of State secrets shall indicate the classification level and the confidentiality period of a State secret, and shall be promptly modified in the event of changes to the classification level or confidentiality period of the State secret.

Where the label of State secrets is unable to be affixed, the organ or entity that determines the relevant State secret shall notify the organs, entities and personnel within the scope of insiders of the State secret in writing.

第十六条 机关、单位对所产生的国家秘密,认为符合保密法有关解密或者延长保密期限规定的,应当及时解密或者延长保密期限。

机关、单位对不属于本机关、本单位产生的国家秘密,认为符合保密法有关解密或者延长保密期限规定的,可以向原定密机关、单位或者其上级机关、单位提出建议。

已经依法移交各级国家档案馆的属于国家秘密的档案,由原定密机关、单位按照国家有关规定进行解密审核。

Article 16 An organ or entity shall promptly declassify or extend the confidentiality period of a State secret generated if it is of the opinion that the conditions for declassification or extension of the confidentiality period as prescribed by the Law on Guarding State Secrets have been satisfied.

Where an organ or entity is of the opinion that a State secret not generated thereby satisfies the conditions for declassification or extension of the confidentiality period as prescribed by the Law on Guarding State Secrets, it may put forward relevant suggestions to the original secret-determining organ or entity or the superior organ or entity thereof.

The original secret-determining organs or entities shall, in accordance with relevant provisions of the State, conduct declassification review of the files of State secrets that have been transferred to national archives at all levels in accordance with the law.

第十七条 机关、单位被撤销或者合并的,该机关、单位所确定国家秘密的变更和解除,由承担其职能的机关、单位负责,也可以由其上级机关、单位或者保密行政管理部门指定的机关、单位负责。

Article 17 Where an organ or entity is closed down or merged with another organ or entity, the change and declassification of the State secrets determined by the cancelled or merged organ or entity shall be undertaken by the organ or entity succeeding to its duties. Alternatively, such change and declassification may be undertaken by the organ or entity designated by the superior organ or entity of the cancelled or merged organ or entity, or designated by the relevant administrative department for protection of State secrets.

第十八条 机关、单位发现本机关、本单位国家秘密的确定、变更和解除不当的,应当及时纠正;上级机关、单位发现下级机关、单位国家秘密的确定、变更和解除不当的,应当及时通知其纠正,也可以直接纠正。

Article 18 An organ or entity shall promptly make correction if it finds that it has inappropriately determined, changed or declassified State secrets. A superior organ or entity shall promptly notify a subordinate organ or entity to make correction, or may directly make correction itself, if it finds that the subordinate organ or entity has inappropriately determined, changed or declassified State secrets.

第十九条 机关、单位对符合保密法的规定,但保密事项范围没有规定的不明确事项,应当先行拟定密级、保密期限和知悉范围,采取相应的保密措施,并自拟定之日起10日内报有关部门确定。拟定为绝密级

的事项和中央国家机关拟定的机密级、秘密级的事项,报国家保密行政管理部门确定;其他机关、单位拟定的机密级、秘密级的事项,报省、自治区、直辖市保密行政管理部门确定。

保密行政管理部门接到报告后,应当在10日内作出决定。省、自治区、直辖市保密行政管理部门还应当将所作决定及时报国家保密行政管理部门备案。

Article 19 Where an unclear matter meets the requirements of the Law on Guarding State Secrets but is not prescribed within the Scope of Confidential Matters, an organ or entity shall preliminarily determine the classification level, confidentiality period and scope of insiders of the unclear matter, take appropriate confidentiality measures, and report the unclear matter to relevant departments for final determination within ten days of the preliminary determination. Matters preliminarily determined as top secrets, as well as matters preliminarily determined as strictly confidential or confidential by State organs at the central level shall be submitted to the State administrative department for protection of State secrets for final determination, while matters preliminarily determined as strictly confidential or confidential by other organs and entities shall be reported to the administrative departments for protection of State secrets of all provinces, autonomous regions and municipalities directly under the Central Government for final determination.

An administrative department for protection of State secrets shall make a decision within ten days upon receipt of such a report. Administrative departments for protection of State secrets of all provinces, autonomous regions and municipalities directly under the Central Government shall also submit the decisions made thereby to the State administrative department for protection of State secrets for record-filing in a timely manner.

第二十条 机关、单位对已定密事项是否属于国家秘密或者属于何种密级有不同意见的,可以向原定密机关、单位提出异议,由原定密机关、单位作出决定。

机关、单位对原定密机关、单位未予处理或者对作出的决定仍有异议的,按照下列规定办理:

(一)确定为绝密级的事项和中央国家机关确定的机密级、秘密级的事项,报国家保密行政管理部门确定。

(二)其他机关、单位确定的机密级、秘密级的事项,报省、自治区、直辖市保密行政管理部门确定;对省、自治区、直辖市保密行政管理部门作出的决定有异议的,可以报国家保密行政管理部门确定。

在原定密机关、单位或者保密行政管理部门作出决定前,对有关事项应当按照主张密级中的最高密级采取相应的保密措施。

第三章 保密制度

Article 20 An organ or entity that holds different opinions on whether a matter already determined as a secret is indeed a State secret or on the classification level thereof may raise objections to the original secret-determining organ or entity for the latter to make relevant decisions.

Where the organ or entity still has objections to the decision made by the original secret-determining organ or entity or because the original secret-determining organ or entity fails to address its previous objections, the following provisions shall apply:

(1) The matter shall be submitted to the State administrative department for protection of State secrets for determination, if it is determined as a top secret, or as strictly confidential or confidential by State organs at the central level; and

(2) The matter shall be submitted to the administrative department for protection of State secrets of the relevant province, autonomous region or municipality directly under the Central Government for determination, if it is determined as strictly confidential or confidential by other organs or entities; and where the first-mentioned organ or entity has objections to the decision made by the said administrative department, the matter may be submitted to the State administrative department for protection of State secrets for determination.

Before the original secret-determining organ or entity, or the relevant administrative department for protection of State secrets makes a decision, corresponding confidentiality measures shall be taken against the matter according to the highest classification level of the classification levels contended.

Chapter 3: Confidentiality Systems

第二十一条 国家秘密载体管理应当遵守下列规定:

(一)制作国家秘密载体,应当由机关、单位或者经保密行政管理部门保密审查合格的单位承担,制作场所应当符合保密要求。

(二)收发国家秘密载体,应当履行清点、编号、登记、签收手续。

(三)传递国家秘密载体,应当通过机要交通、机要通信或者其他符合保密要求的方式进行。

(四)复制国家秘密载体或者摘录、引用、汇编属于国家秘密的内容,应当按照规定报批,不得擅自改变原件的密级、保密期限和知悉范围,复制件应当加盖复制机关、单位戳记,并视同原件进行管理。

(五)保存国家秘密载体的场所、设施、设备,应当符合国家保密要求。

(六)维修国家秘密载体,应当由本机关、本单位专门技术人员负责。确需外单位人员维修的,应当由本机关、本单位的人员现场监督;确需在本机关、本单位以外维修的,应当符合国家保密规定。

(七)携带国家秘密载体外出,应当符合国家保密规定,并采取可靠的保密措施;携带国家秘密载体出境的,应当按照国家保密规定办理批准和携带手续。

Article 21 Carriers of State secrets shall be managed pursuant to the following provisions:

(1) Carriers of State secrets shall be prepared by organs, entities or entities that have passed the confidentiality review by administrative departments for protection of State secrets, and the premises for such preparation shall be in compliance with confidentiality requirements;

(2) The procedures for sorting, numbering, registration and receipt acknowledgement shall be performed when carries of State secrets are received or sent;

(3) Carriers of State secrets shall be delivered via classified communications, classified correspondence or other means in compliance with confidentiality requirements;

(4) Reproduction of carriers of State secrets, or the extraction, quotation and compilation of contents classified as State secrets shall be subject to approval as required, and the classification levels, confidentiality periods and scope of insiders of the original State secrets may not be changed without authorization. In addition, the duplicated copies of the State secrets shall be affixed with the stamps of the organs or entities making the reproduction, and be managed as the originals thereof;

(5) The premises, facilities and equipment for keeping carriers of State secrets shall be in compliance with the confidentiality requirements of the State;

(6) Carriers of State secrets shall be repaired by the specialized technicians of the organs or entities to which such carriers belong; where such carriers genuinely need to be repaired by personnel from other entities, personnel of the organs or entities to which such carriers belong shall conduct on-site supervision; and where such carriers genuinely need to be repaired outside the organs or entities to which they belong, the confidentiality provisions of the State shall be complied with; and

(7) Where carriers of State secrets are to be taken out of the organs or entities to which they belong, the confidentiality provisions of the State shall be complied with and reliable confidentiality measures shall be taken; and, where carriers of State secrets are to be taken abroad, procedures for approval and carriage shall be gone through in accordance with the confidentiality provisions of the State.

第二十二条 销毁国家秘密载体应当符合国家保密规定和标准,确保销毁的国家秘密信息无法还原。

销毁国家秘密载体应当履行清点、登记、审批手续,并送交保密行政管理部门设立的销毁工作机构或者保密行政管理部门指定的单位销毁。机关、单位确因工作需要,自行销毁少量国家秘密载体的,应当使

用符合国家保密标准的销毁设备和方法。

Article 22 Carriers of State secrets shall be destroyed in accordance with the confidentiality provisions and standards of the State, so as to ensure that the State secrets destroyed are non-recoverable.

Sorting, registration, and examination and approval procedures shall be gone through for the destruction of carriers of State secrets. Carriers of State secrets shall be destroyed by the destruction agencies established by administrative departments for protection of State secrets or entities designated by administrative departments for protection of State secrets. Where an organ or entity destroys a small number of carriers of State secrets on its own due to work needs, it shall use destruction equipment and methods in compliance with the confidentiality standards of the State.

第二十三条 涉密信息系统按照涉密程度分为绝密级、机密级、秘密级。机关、单位应当根据涉密信息系统存储、处理信息的最高密级确定系统的密级,按照分级保护要求采取相应的安全保密防护措施。

Article 23 Secret-involved information systems shall be classified at the top-secret level, the strictly-confidential level and the confidential level based on the classification levels of the State secrets contained therein. Organs and entities shall determine the classification levels of secret-involved information systems according to the highest classification level of the information stored or processed by the said systems, and adopt relevant security and confidentiality protection measures according to the requirements on graded protection.

第二十四条 涉密信息系统应当由国家保密行政管理部门设立或者授权的保密测评机构进行检测评估,并经设区的市、自治州级以上保密行政管理部门审查合格,方可投入使用。

公安、国家安全机关的涉密信息系统投入使用的管理办法,由国家保密行政管理部门会同国务院公安、国家安全部门另行规定。

Article 24 A secret-involved information system shall not be put into use until it has been tested and assessed by the relevant confidentiality testing and assessment agency established or authorized by the State administrative department for protection of State secrets, and has passed the examination by the relevant administrative department for protection of State secrets at or above the level of cities with districts or autonomous prefectures.

The administrative measures for putting into use secret-involved information systems of public security organs and State security organs shall be separately formulated by the State administrative department for protection of State secrets in conjunction with the public security department and the State security department of the State Council.

第二十五条 机关、单位应当加强涉密信息系统的运行使用管理,指定专门机构或者人员负责运行维护、安全保密管理和安全审计,定期开展安全保密检查和风险评估。

涉密信息系统的密级、主要业务应用、使用范围和使用环境等发生变化或者涉密信息系统不再使用的,应当按照国家保密规定及时向保密行政管理部门报告,并采取相应措施。

Article 25 Organs and entities shall strengthen the management of the operation and use of secret-involved information systems, designate specialized departments or personnel to be responsible for their operational maintenance, security and confidentiality management and security audit, and conduct regular security and confidentiality inspection and risk assessment.

In the event of changes to the classification level, main business applications, scope of use or operating environment of a secret-involved information system, or in the event that a secret-involved information

system is no longer in use, the relevant organ or entity shall promptly report the situations to the competent administrative department for protection of State secrets and take corresponding measures in accordance with the confidentiality provisions of the State.

第二十六条 机关、单位采购涉及国家秘密的工程、货物和服务的,应当根据国家保密规定确定密级,并符合国家保密规定和标准。机关、单位应当对提供工程、货物和服务的单位提出保密管理要求,并与其签订保密协议。

政府采购监督管理部门、保密行政管理部门应当依法加强对涉及国家秘密的工程、货物和服务采购的监督管理。

Article 26 Where an organ or entity is to procure projects, goods and services involving State secrets, the organ or entity shall determine the classification levels of such projects, goods and services in accordance with the confidentiality provisions of the State, and comply with the confidentiality provisions and standards of the State. The organ or entity shall raise confidentiality management requirements on the entities providing such projects, goods and services, and enter into confidentiality agreements with the same.

Departments in charge of the supervision and administration of government procurement and administrative departments for protection of State secrets shall strengthen the supervision and administration over the procurement of projects, goods and services involving State secrets in accordance with the law.

第二十七条 举办会议或者其他活动涉及国家秘密的,主办单位应当采取下列保密措施:

- (一)根据会议、活动的内容确定密级,制定保密方案,限定参加人员范围;
- (二)使用符合国家保密规定和标准的场所、设施、设备;
- (三)按照国家保密规定管理国家秘密载体;
- (四)对参加人员提出具体保密要求。

Article 27 The entity that holds a meeting or organizes any other activity that involves State secrets shall take the following confidentiality measures:

- (1) It shall determine the classification level of the meeting or activity according to its contents, work out the confidentiality plan and limit the scope of participants;
- (2) It shall use the premises, equipment and facilities that are in compliance with the confidentiality provisions and standards of the State;
- (3) It shall manage carriers of State secrets in accordance with the confidentiality provisions of the State; and
- (4) It shall impose specific confidentiality requirements on the participants.

第二十八条 企业事业单位从事国家秘密载体制作、复制、维修、销毁,涉密信息系统集成或者武器装备科研生产等涉及国家秘密的业务(以下简称涉密业务),应当由保密行政管理部门或者保密行政管理部门会同有关部门进行保密审查。保密审查不合格的,不得从事涉密业务。

Article 28 To engage in the production, reproduction, maintenance and destruction of carriers of State secrets, the integration of secret-involved information systems, the scientific research and manufacturing of weaponry and other business involving State secrets (hereinafter referred to as the "Secret-involved Business"), enterprises and public institutions shall pass the confidentiality review conducted by administrative departments for protection of State secrets either independently or in conjunction with other departments concerned. No enterprise or public institution may engage in Secret-involved Business unless it has passed the confidentiality review.

第二十九条 从事涉密业务的企业事业单位应当具备下列条件:

- (一)在中华人民共和国境内依法成立3年以上的法人,无违法犯罪记录;
- (二)从事涉密业务的人员具有中华人民共和国国籍;
- (三)保密制度完善,有专门的机构或者人员负责保密工作;
- (四)用于涉密业务的场所、设施、设备符合国家保密规定和标准;
- (五)具有从事涉密业务的专业能力;
- (六)法律、行政法规和国家保密行政管理部门规定的其他条件。

Article 29 To engage in Secret-involved Business, an enterprise or public institution shall satisfy the following conditions:

- (1) It is a legal person without any illegal or criminal record that is duly established within the territory of the People's Republic of China three or more years ago;
- (2) Its personnel engaging in Secret-involved Business are persons with the nationality of the People's Republic of China;
- (3) It has a robust confidentiality system, and specialized departments or persons responsible for confidentiality work;
- (4) The premises, facilities and equipment used for Secret-involved Business are in compliance with the confidentiality provisions and standards of the State;
- (5) It has the professional capability for engaging in Secret-involved Business; and
- (6) It satisfies other conditions prescribed by laws, administrative regulations and the State administrative department for protection of State secrets.

第三十条 涉密人员的分类管理、任(聘)用审查、脱密期管理、权益保障等具体办法,由国家保密行政管理部门会同国务院有关主管部门制定。

第四章 监督管理

Article 30 Specific measures for the classified management, appointment (recruitment) review, management during the secrecy release period, protection of rights and interests, etc. relating to secret-involved personnel shall be formulated by the State administrative department for protection of State secrets in conjunction with relevant competent departments of the State Council.

Chapter 4: Supervision and Administration

第三十一条 机关、单位应当向同级保密行政管理部门报送本机关、本单位年度保密工作情况。下级保密行政管理部门应当向上级保密行政管理部门报送本行政区域年度保密工作情况。

Article 31 An organ or entity shall report its annual confidentiality work situations to the administrative department for protection of State secrets at the same level. An inferior administrative department for protection of State secrets shall submit the situations of the annual confidentiality work within its administrative jurisdictions to the relevant superior administrative department for protection of State secrets.

第三十二条 保密行政管理部门依法对机关、单位执行保密法律法规的下列情况进行检查:

- (一)保密工作责任制落实情况;
- (二)保密制度建设情况;
- (三)保密宣传教育培训情况;
- (四)涉密人员管理情况;
- (五)国家秘密确定、变更和解除情况;
- (六)国家秘密载体管理情况;
- (七)信息系统和信息设备保密管理情况;

- (八)互联网使用保密管理情况;
- (九)保密技术防护设施设备配备使用情况;
- (十)涉密场所及保密要害部门、部位管理情况;
- (十一)涉密会议、活动管理情况;
- (十二)信息公开保密审查情况。

Article 32 An administrative department for protection of State secrets shall inspect the compliance with confidentiality laws and regulations by an organ or entity pursuant to the law, covering the following aspects:

- (1) Implementation of the confidentiality work accountability system;
- (2) Establishment of confidentiality systems;
- (3) Confidentiality publicity, education and training;
- (4) Management of secret-involved personnel;
- (5) Determination, change and declassification of State secrets;
- (6) Management of carriers of State secrets;
- (7) Confidentiality management of information systems and information equipment;
- (8) Confidentiality management of the use of the Internet;
- (9) Availability and use of the technological protection facilities and equipment for confidentiality;
- (10) Management of secret-involved premises and key confidentiality departments or positions;
- (11) Management of secret-involved meetings and activities; and
- (12) Confidentiality review of information disclosure.

第三十三条 保密行政管理部门在保密检查过程中,发现有泄密隐患的,可以查阅有关材料、询问人员、记录情况;对有关设施、设备、文件资料等可以依法先行登记保存,必要时进行保密技术检测。有关机关、单位及其工作人员对保密检查应当予以配合。

保密行政管理部门实施检查后,应当出具检查意见,对需要整改的,应当明确整改内容和期限。

Article 33 Where an administrative department for protection of State secrets finds hazards for the divulgement of secrets during the confidentiality inspection of an organ or entity, it may inspect relevant materials, question relevant personnel and record relevant situations, register and keep the facilities, equipment, documents, materials, etc. concerned in advance in accordance with the law, and conduct confidentiality technological testing where necessary. The organ or entity and its staff members shall cooperate with the confidentiality inspection.

The administrative department for protection of State secrets shall issue inspection opinions after the inspection, and specify the contents for, and the period of, rectification if rectification is necessary.

第三十四条 机关、单位发现国家秘密已经泄露或者可能泄露的,应当立即采取补救措施,并在24小时内向同级保密行政管理部门和上级主管部门报告。

地方各级保密行政管理部门接到泄密报告的,应当在24小时内逐级报至国家保密行政管理部门。

Article 34 Where an organ or entity finds that a State secret has been or is likely to be divulged, it shall immediately take remedial measures and report the case to the administrative department for protection of State secrets at the same level and the competent department at a higher level within 24 hours.

Upon receipt of a report on the divulgement of a State secret, a local administrative department for

protection of State secrets shall report the case to the State administrative department for protection of State secrets level by level within 24 hours.

第三十五条 保密行政管理部门对公民举报、机关和单位报告、保密检查发现、有关部门移送的涉嫌泄露国家秘密的线索和案件,应当依法及时调查或者组织、督促有关机关、单位调查处理。调查工作结束后,认为有违反保密法律法规的事实,需要追究责任的,保密行政管理部门可以向有关机关、单位提出处理建议。有关机关、单位应当及时将处理结果书面告知同级保密行政管理部门。

Article 35 As regards the clues and cases of suspected divulgement of State secrets as reported by citizens, organs or entities, discovered during confidentiality inspection or transferred by relevant departments, administrative departments for protection of State secrets shall promptly conduct investigation in accordance with the law, or organize or urge relevant organs or entities to conduct investigation and handling. Upon completion of investigation, where the administrative departments for protection of State secrets are of the opinion that there are facts in violation of confidentiality laws and regulations, and that the liabilities for divulgement shall be investigated for, they may put forward handling suggestions to the organs or entities concerned, and the latter shall promptly inform the administrative departments for protection of State secrets at the same level of the handling results in writing.

第三十六条 保密行政管理部门收缴非法获取、持有的国家秘密载体,应当进行登记并出具清单,查清密级、数量、来源、扩散范围等,并采取相应的保密措施。

保密行政管理部门可以提请公安、工商行政管理等有关部门协助收缴非法获取、持有的国家秘密载体,有关部门应当予以配合。

Article 36 An administrative department for protection of State secrets shall register and issue a list of the confiscated carriers of State secrets that are illegally acquired or held. It shall ascertain the classification levels, quantity, sources and dissemination scope of such confiscated carriers of State secrets, and take corresponding confidentiality measures.

Administrative departments for protection of State secrets may request public security organs, administrations for industry and commerce and other relevant departments to provide assistance in confiscating carriers of State secrets that are illegally acquired or held, in which case the relevant departments shall provide cooperation.

第三十七条 国家保密行政管理部门或者省、自治区、直辖市保密行政管理部门应当依据保密法律法规和保密事项范围,对办理涉嫌泄露国家秘密案件的机关提出鉴定的事项是否属于国家秘密、属于何种密级作出鉴定。

保密行政管理部门受理鉴定申请后,应当自受理之日起30日内出具鉴定结论;不能按期出具鉴定结论的,经保密行政管理部门负责人批准,可以延长30日。

Article 37 The State administrative department for protection of State secrets or the administrative departments for protection of State secrets of all provinces, autonomous regions and municipalities directly under the Central Government shall, in accordance with confidentiality laws and regulations and according to the Scope of Confidential Matters, determine whether the matters submitted for appraisal by organs handling cases of suspected divulgement of State secrets are State secrets or not, as well as their classification levels.

An administrative department for protection of State secrets shall issue appraisal conclusions within 30 days upon acceptance of an appraisal application. Where appraisal conclusions are unable to be issued as scheduled, the time period may be extended by 30 days upon approval by the person in charge of the said administrative department.

第三十八条 保密行政管理部门及其工作人员应当按照法定的职权和程序开展保密审查、保密检查和泄露国家秘密案件查处工作,做到科学、公正、严格、高效,不得利用职权谋取利益。

第五章 法律责任

Article 38 An administrative department for protection of State secrets and its staff members shall conduct confidentiality review and confidentiality inspection, and investigate and handle cases of divulgement of State secrets in a scientific, impartial, rigorous and efficient manner according to statutory authority and procedures, and shall not seek for benefits by taking advantage of their authority.

Chapter 5: Legal Liabilities

第三十九条 机关、单位发生泄露国家秘密案件不按照规定报告或者未采取补救措施的,对直接负责的主管人员和其他直接责任人员依法给予处分。

Article 39 Where an organ or entity fails to report, or take remedial measures against, a case of divulgement of State secrets as required, the person directly in charge and other personnel subject to direct liabilities shall be given disciplinary sanctions pursuant to the law.

第四十条 在保密检查或者泄露国家秘密案件查处中,有关机关、单位及其工作人员拒不配合,弄虚作假,隐匿、销毁证据,或以其他方式逃避、妨碍保密检查或者泄露国家秘密案件查处的,对直接负责的主管人员和其他直接责任人员依法给予处分。

企业事业单位及其工作人员协助机关、单位逃避、妨碍保密检查或者泄露国家秘密案件查处的,由有关主管部门依法予以处罚。

Article 40 Where, during confidentiality inspection or the investigation of a case of divulgement of State secrets, the relevant organ or entity and its staff members refuse to provide cooperation, practice fraud, conceal or destroy evidence, or otherwise avoid or obstruct such inspection or investigation, the person directly in charge and other personnel subject to direct liabilities shall be given disciplinary sanctions pursuant to the law.

Any enterprise or public institution and its staff members that assist an organ or entity to avoid or obstruct confidentiality inspection or the investigation of a case of divulgement of State secrets shall be punished by relevant competent departments pursuant to the law.

第四十一条 经保密审查合格的企业事业单位违反保密管理规定的,由保密行政管理部门责令限期整改,逾期不改或者整改后仍不符合要求的,暂停涉密业务;情节严重的,停止涉密业务。

Article 41 Where an enterprise or public institution that has passed the confidentiality review violates relevant provisions on confidentiality management, the competent administrative department for protection of State secrets shall order the same to make correction within the prescribed time limit. The said enterprise or public institution shall be suspended from Secret-involved Business if it fails to make correction by the prescribed deadline or still fails to meet relevant requirements after the correction, and its Secret-involved Business shall be ceased under grave circumstances.

第四十二条 涉密信息系统未按照规定进行检测评估和审查而投入使用的,由保密行政管理部门责令改正,并建议有关机关、单位对直接负责的主管人员和其他直接责任人员依法给予处分。

Article 42 Where a secret-involved information system is put into use without testing, assessment and examination as required, the competent administrative department for protection of State secrets shall order the relevant organ or entity to make correction, and suggest the same to take disciplinary actions against the person directly in charge and other personnel subject to direct liabilities in accordance with the law.

第四十三条 机关、单位委托未经保密审查的单位从事涉密业务的,由有关机关、单位对直接负责的

主管人员和其他直接责任人员依法给予处分。

未经保密审查的单位从事涉密业务的,由保密行政管理部门责令停止违法行为;有违法所得的,由工商行政管理部门没收违法所得。

Article 43 Where an organ or entity entrusts an entity that has not passed the confidentiality review to engage in Secret-involved Business, the organ or entity shall take disciplinary actions against the person directly in charge and other personnel subject to direct liabilities in accordance with the law.

An entity that engages in Secret-involved Business without passing the confidentiality review shall be ordered to stop its illegal activities by the competent administrative department for protection of State secrets, and have its illegal gains, if any, confiscated by the relevant administration for industry and commerce.

第四十四条 保密行政管理部门未依法履行职责,或者滥用职权、玩忽职守、徇私舞弊的,对直接负责的主管人员和其他直接责任人员依法给予处分;构成犯罪的,依法追究刑事责任。

第六章 附则

Article 44 Where an administrative department for protection of State secrets fails to perform duties pursuant to the law, or abuses power, neglects duties or practices favouritism for personal gains, the person directly in charge and other personnel subject to direct liabilities shall be given disciplinary sanctions in accordance with the law, and shall be investigated for criminal liabilities pursuant to the law if the act constitutes criminal offenses.

Chapter 6: Supplementary Provisions

第四十五条 本条例自2014年3月1日起施行。1990年4月25日国务院批准、1990年5月25日国家保密局发布的《中华人民共和国保守国家秘密法实施办法》同时废止。

Article 45 These Regulations shall come into effect on March 1, 2014. The Implementing Measures for the Law of the People's Republic of China on Guarding State Secrets approved by the State Council on April 25, 1990 and promulgated by the National Administration for the Protection of State Secrets on May 25, 1990 shall be simultaneously repealed.



最高人民法院关于审理为境外窃取、刺探、收买、非法提供国家秘密、情报案件具体应用法律若干问题的解释

Interpretations of the Supreme People's Court on Several Issues Concerning Application of Law for Trial of Cases of Stealing, Spying, Buying or Unlawfully Supplying State Secrets or Intelligence for Entities outside the Territory of China

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Fa Shi [2001]No. 4

2001年1月17日

January 17, 2001

《最高人民法院关于审理为境外窃取、刺探、收买、非法提供国家秘密、情报案件具体应用法律若干问题的解释》已于2000年11月20日由最高人民法院审判委员会第1142次会议通过，现予公布，自2001年1月22日起施行。

The Interpretations of the Supreme People's Court on Several Issues Concerning Application of Law for Trial of Cases of Stealing, Spying, Buying or Unlawfully Supplying State Secrets or Intelligence for Entities outside the Territory of China, adopted at the 1142nd session of the Judicial Committee of the Supreme People's Court on November 20, 2000, is hereby issued and shall come into force on January 22, 2001.

最高人民法院关于审理为境外窃取、刺探、收买、非法提供国家秘密、情报案件具体应用法律若干问题的解释

Interpretations of the Supreme People's Court on Several Issues Concerning Application of Law for Trial of Cases of Stealing, Spying, Buying or Unlawfully Supplying State Secrets or Intelligence for Entities outside the Territory of China

(2000年11月20日最高人民法院审判委员会第1142次会议通过 法释[2001]4号)

(Adopted at the 1142nd session of the Judicial Committee of the Supreme People's Court on November 20, 2000 and issued under Fa Shi [2001] No.4)

为依法惩治为境外的机构、组织、人员窃取、刺探、收买、非法提供国家秘密、情报犯罪活动，维护国家安全和利益，根据刑法有关规定，现就审理这类案件具体应用法律的若干问题解释如下：

For the purpose of punishing the criminal acts of stealing, spying, buying or unlawfully supplying state secrets or intelligence for institution(s), organization(s) or individual(s) (collectively referred to as entities) outside the territory of China and safeguarding the national safety and interests, pursuant to the relevant provisions of the Criminal Law of the People's Republic of China (the "Criminal Law"), several issues concerning application of law for trial of such cases are interpreted as follows:

第一条 刑法第一百一十一条规定的“国家秘密”，是指《中华人民共和国保守国家秘密法》第二条、第八条以及《中华人民共和国保守国家秘密法实施办法》第四条确定的事项。

Article 1 "State secrets" prescribed in Article 111 of the Criminal Law means the matters stated in Article 2 and Article 8 of the Law of the People's Republic of China on Guarding State Secrets and Article 4 of the Implementing Measures of the People's Republic of China on Guarding State Secrets.

刑法第一百一十一条规定的“情报”，是指关系国家安全和利益、尚未公开或者依照有关规定不应公开的事项。

"Intelligence" prescribed in Article 111 of the Criminal Law means the matters that concern the national security and interests and have not yet publicized or shall not be publicized in accordance with relevant provisions.

对为境外机构、组织、人员窃取、刺探、收买、非法提供国家秘密之外的情报的行为，以为境外窃取、刺探、收买、非法提供情报罪定罪处罚。

Acts of stealing, spying, buying or unlawfully supplying intelligence other than the state secrets for institutions, organizations or individuals outside the territory of China shall be convicted and punished as the crime of stealing, spying, buying or unlawfully supplying intelligence for entities outside the territory of China.

第二条 为境外窃取、刺探、收买、非法提供国家秘密或者情报，具有下列情形之一的，属于“情节特别严重”，处十年以上有期徒刑、无期徒刑，可以并处没收财产：

Article 2 Whoever steals, spies into, buys or unlawfully supplies State secrets or intelligence for entities outside the territory of China and is under any one of following circumstances shall constitute the "especially serious circumstance" and shall be sentenced to fixed-term imprisonment of more than ten years or life imprisonment and his or her properties may also be confiscated simultaneously:

(一) 为境外窃取、刺探、收买、非法提供绝密级国家秘密的；

1. Stealing, spying, buying or unlawfully supplying strictly-confidential-level state secret(s) for entities outside the territory of China;

(二) 为境外窃取、刺探、收买、非法提供三项以上机密级国家秘密的；

2. Stealing, spying, buying or unlawfully supplying more than three items of confidential-level state secrets for entities outside the territory of China;

(三) 为境外窃取、刺探、收买、非法提供国家秘密或者情报，对国家安全和利益造成其他特别严重损害的。

3. Stealing, spying, buying or unlawfully supplying state secrets or intelligence for entities outside the territory of China and causing other extremely severe harm to the national security and interests.

实施前款行为，对国家和人民危害特别严重、情节特别恶劣的，可以判处死刑，并处没收财产。

Whoever implementing above mentioned acts, causing extremely severe harm to the nation and the civilians, and constituting extremely abominable circumstance may be sentenced to death and his or her properties shall be confiscated.

第三条 为境外窃取、刺探、收买、非法提供国家秘密或者情报，具有下列情形之一的，处五年以上十年以下有期徒刑，可以并处没收财产：

Article 3 Whoever steals, spies into, buys or unlawfully supplies State secrets or intelligence for entities outside the territory of China and is under any one of following circumstances shall be sentenced to fixed-term imprisonment of more than five years but less than ten years and his or her properties may also be confiscated simultaneously:

(一) 为境外窃取、刺探、收买、非法提供机密级国家秘密的；

1. Stealing, spying, buying or unlawfully supplying confidential-level state secret(s) for entities outside the territory of China;

(二) 为境外窃取、刺探、收买、非法提供三项以上秘密级国家秘密的；

2. Stealing, spying, buying or unlawfully supplying more than three items of secret-level state secrets for entities outside the territory of China;

(三) 为境外窃取、刺探、收买、非法提供国家秘密或者情报，对国家安全 and 利益造成其他严重损害的。

3. Stealing, spying, buying or unlawfully supplying state secrets or intelligence for entities outside the territory of China and causing other serious damage to the national security and interests.

第四条 为境外窃取、刺探、收买、非法提供秘密级国家秘密或者情报，属于“情节较轻”，处五年以下有期徒刑、拘役、管制或者剥夺政治权利，可以并处没收财产。

Article 4 Whoever steals, spies into, buys or unlawfully supplies secret-level state secrets or intelligence for entities outside the territory of China and constitutes the "comparatively slight circumstance" shall be sentenced to fixed-term imprisonment of less than five years, criminal detention, public surveillance or deprivation of political rights, and his or her properties may also be confiscated simultaneously.

第五条 行为人知道或者应当知道没有标明密级的事项关系国家安全和利益，而为境外窃取、刺探、收买、非法提供的，依照刑法第一百一十一条的规定以为境外窃取、刺探、收买、非法提供国家秘密罪定罪处罚。

Article 5 Whoever knows or should have known that any matter not marked with secret level concerns the national security and interests but steals, spies, buys, or unlawfully supplies such matter for entities outside the territory of China shall be convicted and punished as the crime of stealing, spying, buying, unlawfully supplying state secrets for entities outside the territory of China pursuant to the provisions of Article 111 of the Criminal Law.

第六条 通过互联网将国家秘密或者情报非法发送给境外的机构、组织、个人的，依照刑法第一百一十一条的规定定罪处罚；将国家秘密通过互联网予以发布，情节严重的，依照刑法第三百九十八条的规定定罪处罚。

Article 6 Whoever delivers unlawfully any state secret or intelligence to entities outside the territory of China through internet shall be convicted and punished pursuant to the provisions of Article 111 of the Criminal Law; Whoever publicizes any state secrets through internet and constitutes severe circumstance shall be convicted and punished pursuant to the provisions of Article 398 of the Criminal Law.

第七条 审理为境外窃取、刺探、收买、非法提供国家秘密案件，需要对有关事项是否属于国家秘密以及属于何种密级进行鉴定的，由国家保密工作部门或者省、自治区、直辖市保密工作部门鉴定。

Article 7 If identification of whether any matter falls in state secret or what kind of level of confidentiality such matter constitutes is required upon hearing the case of stealing, spying, buying, or unlawfully supplying state secrets for entities outside the territory of China, such identification shall be conducted by state security authority or the security authorities of relevant province, autonomous region or municipality directly under the central government.

Criminal Law of the People's Republic of China (2020 Amendment Pkulaw Version) 中华人民共和国刑法(2020 修正)

Area of Law : [Criminal Law](#) [Criminal Syndicate Combat](#) [Cyber Crime](#)

Level of Authority : [Laws](#)

Date issued : 12-26-2020

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[Criminal Law](#) of the People's Republic of China

(Adopted by the Second Session of the Fifth National People's Congress on July 1, 1979 and amended by the Fifth Session of the Eighth National People's Congress on March 14, 1997. According to the [NPC Standing Committee's Decision Concerning Punishment of Criminal Offenses Involving Fraudulent Purchase](#) on December 29, 1998, [Amendment to the Criminal Law](#) of the People's Republic of China on December 25, 1999, [Amendment \(II\) to the Criminal Law](#) of the People's Republic of China on August 31, 2001, [Amendment \(III\) to the Criminal Law](#) of the People's Republic of China on December 29, 2001, [Amendment \(IV\) to the Criminal Law](#) of the People's Republic of China on December 28, 2002, [Amendment \(V\) to the Criminal Law](#) of the People's Republic of China on February 28, 2005, [Amendment \(VI\) to the Criminal Law](#) of the People's Republic of China on June 29, 2006, [Amendment \(VII\) to the Criminal Law](#) of the People's Republic of China on February 28, 2009, [Decision of the Standing Committee of the National People's Congress on Amending Some Laws](#) on August 27, 2009, [Amendment \(VIII\) to the Criminal Law](#) of the People's Republic of China on February 25, 2011, [Amendment \(IX\) to the Criminal Law](#) of the People's Republic of China on August 29, 2015, [Amendment \(X\) to the Criminal Law](#) of the People's Republic of China on November 4, 2017, and [Amendment \(XI\) to the Criminal Law](#) of the People's Republic of China on December 26, 2020.)

中华人民共和国刑法

(1979 年 7 月 1 日第五届全国人民代表大会第二次会议通过 1997 年 3 月 14 日第八届全国人民代表大会第五次会议修订 根据 1998 年 12 月 29 日《[全国人民代表大会常务委员会关于惩治骗购外汇、逃汇和非法买卖外汇犯罪的决定](#)》、1999 年 12 月 25 日《[中华人民共和国刑法修正案](#)》、2001 年 8 月 31 日《[中华人民共和国刑法修正案\(二\)](#)》、2001 年 12 月 29 日《[中华人民共和国刑法修正案\(三\)](#)》、2002 年 12 月 28 日《[中华人民共和国刑法修正案\(四\)](#)》、2005 年 2 月 28 日《[中华人民共和国刑法修正案\(五\)](#)》、2006 年 6 月 29 日《[中华人民共和国刑法修正案\(六\)](#)》、2009 年 2 月 28 日《[中华人民共和国刑法修正案\(七\)](#)》、2009 年 8 月 27 日《[全国人民代表大会常务委员会关于修改部分法律的决定](#)》、2011 年 2 月 25 日《[中华人民共和国刑法修正案\(八\)](#)》、2015 年 8 月 29 日《[中华人民共和国刑法修正案\(九\)](#)》、2017 年 11 月 4 日《[中华人民共和国刑法修正案\(十\)](#)》、2020 年 12 月 26 日《[中华人民共和国刑法修正案\(十一\)](#)》修正)

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Chapter I Tasks, Basic Principles, and Scope of Application of the Criminal Law	第一章 刑法 的任务、基本原则和适用范围
Article 1 . This law is formulated in accordance with the Constitution and in light of the concrete experience of China launching a struggle against crime and the realities in	第一条 【立法宗旨】为了惩罚犯罪，保护人民，根据 宪法 ，结合我国同犯

the country, with a view to punishing crime and protecting the people.

Article 2 . The tasks of the PRC [Criminal Law](#) are to use punishment struggle against all criminal acts to defend national security, the political power of the people's democratic dictatorship, and the socialist system; to protect state-owned property and property collectively owned by the laboring masses; to protect citizens' privately owned property; to protect citizens' right of the person, democratic rights, and other rights; to maintain social and economic order; and to safeguard the smooth progress of the cause of socialist construction.

Article 3 . Any act deemed by explicit stipulations of law as a crime is to be convicted and given punishment by law and any act that no explicit stipulations of law deems a crime is not to be convicted or given punishment.

Article 4 . Every one is equal before the law in committing crime. No one is permitted to have privileges to transgress the law.

Article 5 . The severity of punishments must be commensurate with the crime committed by an offender and the criminal responsibility he bears.

Article 6 . This law is applicable to all who commit crimes within the territory of the PRC except as specially stipulated by law.

This law is also applicable to all who commit crimes aboard a ship or aircraft of the PRC.

When either the act or consequence of a crime takes place within PRC territory, a crime is deemed to have been committed within PRC territory.

Article 7 . This law is applicable to PRC citizens who commit the crimes specified in this law outside the territory of the PRC; but those who commit the crimes carrying a maximum sentence of less than three-year imprisonment as stipulated in this law may be exempt from prosecution.

This law is applicable to PRC state personnel and military personnel who commit the crimes specified in this law outside PRC territory.

Article 8 . This law may be applicable to foreigners, who outside PRC territory, commit crimes against the PRC state or against its citizens, provided that this law stipulates a minimum sentence of not less than a three-year fixed term of imprisonment

罪作斗争的具体 经验及实际情况，制定本法。

第二条 【本法任务】[中华人民共和国刑法](#)的任务，是用刑罚同一切犯罪行为作斗争，以保卫国家安全，保卫人民民主专政的政权和社会主义制度，保护国有财产和劳动群众集体所有的财产，保护公民私人所有的财产，保护公民的人身权利、民主权利和其他权利，维护社会秩序、经济秩序，保障社会主义建设事业的顺利进行。

第三条 【罪刑法定】法律明文规定为犯罪行为的，依照法律定罪处刑；法律没有明文规定为犯罪行为的，不得定罪处刑。

第四条 【适用刑法人人平等】对任何人犯罪，在适用法律上一律平等。不允许任何人有超越法律的特权。

第五条 【罪责刑相适应】刑罚的轻重，应当与犯罪分子所犯罪行和承担的刑事责任相适应。

第六条 【属地管辖权】凡在中华人民共和国领域内犯罪的，除法律有特别规定的以外，都适用本法。

凡在中华人民共和国船舶或者航空器内犯罪的，也适用本法。

犯罪的行为或者结果有一项发生在中华人民共和国领域内的，就认为是在中华人民共和国领域内犯罪。

第七条 【属人管辖权】中华人民共和国公民在中华人民共和国领域外犯本法规定之罪的，适用本法，但是按本法规定的最高刑为三年以下有期徒刑的，可以不予追究。

中华人民共和国国家工作人员和军人在中华人民共和国领域外犯本法规定之罪的，适用本法。

第八条 【保护管辖权】外国人在中华人民共和国领域外对中华人民共和国国家或者公民犯罪，而按本法规定

for such crimes; but an exception is to be made if a crime is not punishable according to the law of the place where it was committed.

Article 9 . This law is applicable to the crimes specified in international treaties to which the PRC is a signatory state or with which it is a member and the PRC exercises criminal jurisdiction over such crimes within its treaty obligations.

Article 10 . Any person who commits a crime outside PRC territory and according to this law bear criminal responsibility may still be dealt with according to this law even if he has been tried in a foreign country; however, a person who has already received criminal punishment in a foreign country may be exempted from punishment or given a mitigated punishment.

Article 11 . The problem of criminal responsibility of foreigners who enjoy diplomatic privileges and immunity is to be resolved through diplomatic channels.

Article 12 . If an act committed after the founding of the PRC and before the implementation of this law was not deemed a crime under the laws at that time, the laws at that time are to be applicable. If the act was deemed a crime under the laws at that time, and if under the provisions of Chapter IV, Section 8 of the general provisions of this law it should be prosecuted, criminal responsibility is to be investigated according to the laws at that time. However, if this law does not deem it a crime or imposes a lesser punishment, this law is to be applicable.

The effective judgments that were made according to the laws at that time before the implementation of this law will continue to be in force.

Chapter II Crimes

Section 1 . Crimes and Criminal Responsibility

Article 13 . All acts that endanger the sovereignty, territorial integrity, and security of the state; split the state; subvert the political power of the people's democratic dictatorship and overthrow the socialist system; undermine social and economic order; violate property owned by the state or property collectively owned by the laboring masses; violate citizens' privately owned property; infringe upon citizens' rights of the person, democratic rights, and other rights; and other acts that endanger society, are crimes if according to law they should be criminally punished. However, if the circumstances are clearly minor and the harm is not great, they are not to be deemed crimes.

的最低刑为三年以上有期徒刑的，可以适用本法，但是按照犯罪地的法律不受处罚的除外。

第九条 【普遍管辖权】对于中华人民共和国缔结或者参加的国际条约所规定的罪行，中华人民共和国在所承担条约义务的范围内行使刑事管辖权的，适用本法。

第十条 【对外国刑事判决的消极承认】凡在中华人民共和国领域外犯罪，依照本法应当负刑事责任的，虽然经过外国审判，仍然可以依照本法追究，但是在外国已经受过刑罚处罚的，可以免除或者减轻处罚。

第十一条 【外交代表刑事管辖豁免】享有外交特权和豁免权的外国人的刑事责任，通过外交途径解决。

第十二条 【刑法溯及力】中华人民共和国成立以后本法施行以前的行为，如果当时的法律不认为是犯罪的，适用当时的法律；如果当时的法律认为是犯罪的，依照本法总则第四章第八节的规定应当追诉的，按照当时的法律追究刑事责任，但是如果本法不认为是犯罪或者处刑较轻的，适用本法。

本法施行以前，依照当时的法律已经作出的生效判决，继续有效。

第二章 犯罪

第一节 犯罪和刑事责任

第十三条 【犯罪概念】一切危害国家主权、领土完整和安全，分裂国家、颠覆人民民主专政的政权和推翻社会主义制度，破坏社会秩序和经济秩序，侵犯国有财产或者劳动群众集体所有的财产，侵犯公民私人所有的财产，侵犯公民的人身权利、民主权利和其他权利，以及其他危害社会的行为，依照法律应当受刑罚处罚的，都是犯罪，但是情节显著轻微危害不大的，不认为是犯罪。

Article 14 . An intentional crime is a crime constituted as a result of clear knowledge that one's own act will cause socially dangerous consequences, and of hope for or indifference to the occurrence of those consequences.

Criminal responsibility shall be borne for intentional crimes.

Article 15 . A negligent crime occurs when one should foresee that one's act may cause socially dangerous consequences but fails to do so because of carelessness or, having foreseen the consequences, readily assumes he can prevent them, with the result that these consequences occur.

Criminal responsibility is to be borne for negligent crimes only when the law so stipulates.

Article 16 . Although an act objectively creates harmful consequences, if it does not result from intent or negligence but rather stems from irresistible or unforeseeable causes, it is not a crime.

Article 17 . Where a person who has attained the age of 16 commits a crime, the person shall assume criminal liability.

Where a person who has attained the age of 14 but under the age of 16 commits a crime of intentional homicide, intentional infliction of bodily harm which has resulted in a serious injury to or death of another person, rape, robbery, drug trafficking, arson, explosion, or adding or releasing hazardous substances, the person shall assume criminal liability.

Where a person who has attained the age of 12 but under the age of 14 commits a crime of intentional homicide or intentional infliction of bodily harm, which has resulted in the death of another person or the serious disability of another person for the serious injury inflicted by especially cruel means, and the circumstances are execrable, the person shall assume criminal liability with the Supreme People's Procuratorate's affirmation of prosecution.

A person under the age of 18 who is held criminally liable in accordance with the provisions of the preceding three paragraphs shall be given a lighter or mitigated punishment.

Where a person is not given a criminal punishment because he or she has not attained the age of 16, his or her parents or any other guardian shall be ordered to discipline him or her; and when necessary, the person shall be subjected to specialized correctional education in accordance with the law.

Article 17 (I) :A person attaining the age of 75 may be given a lighter or mitigated penalty if he commits an intentional crime; or shall be given a lighter or mitigated

第十四条

【故意犯罪】明知自己的行为会发生危害社会的结果，并且希望或者放任这种结果发生，因而构成犯罪的，是故意犯罪。

故意犯罪，应当负刑事责任。

第十五条 【过失犯罪】应当预见自己的行为可能发生危害社会的结果，因为疏忽大意而没有预见，或者已经预见而轻信能够避免，以致发生这种结果的，是过失犯罪。

过失犯罪，法律有规定的才负刑事责任。

第十六条 【不可抗力和意外事件】行为在客观上虽然造成了损害结果，但是不是出于故意或者过失，而是由于不能抗拒或者不能预见的原因所引起的，不是犯罪。

第十七条 【刑事责任年龄】已满十六周岁的人犯罪，应当负刑事责任。

已满十四周岁不满十六周岁的人，犯故意杀人、故意伤害致人重伤或者死亡、强奸、抢劫、贩卖毒品、放火、爆炸、投放危险物质罪的，应当负刑事责任。

已满十二周岁不满十四周岁的人，犯故意杀人、故意伤害罪，致人死亡或者以特别残忍手段致人重伤造成严重残疾，情节恶劣，经最高人民检察院核准追诉的，应当负刑事责任。

对依照前三款规定追究刑事责任的不满十八周岁的人，应当从轻或者减轻处罚。

因不满十六周岁不予刑事处罚的，责令其父母或者其他监护人加以管教；在必要的时候，依法进行专门矫治教育。

第十七条 之一 【刑事责任年龄】已满七十五周岁的人故意犯罪的，可以

penalty if he commits a negligent crime.

Article 18 . A mentally ill person who causes dangerous consequences at a time when he is unable to recognize or unable to control his own conduct is not to bear criminal responsibility after being established through accreditation of legal procedures; but his family or guardian shall be ordered to subject him to strict surveillance and arrange for his medical treatment. When necessary, he will be given compulsory medical treatment by the government.

A person whose mental illness is of an intermittent nature shall bear criminal responsibility if he commits a crime during a period of mental normality.

A mentally ill person who commits a crime at a time when he has not yet completely lost his ability to recognize or control his own conduct shall bear criminal responsibility but he may be given a lesser or a mitigated punishment.

An intoxicated person who commits a crime shall bear criminal responsibility.

Article 19 . A deaf-mute or a blind person who commits a crime may be given a lesser punishment or a mitigated punishment or be exempted from punishment.

Article 20 . Criminal responsibility is not to be borne for an act of legitimate defense that is under taken to stop present unlawful infringement of the state's and public interest or the rights of the person, property or other rights of the actor or of other people and that causes harm to the unlawful infringer.

Criminal responsibility shall be borne where legitimate defense noticeably exceeds the necessary limits and causes great harm. However, consideration shall be given to imposing a mitigated punishment or to granting exemption from punishment.

Criminal responsibility is not to be borne for a defensive act undertaken against ongoing physical assault, murder, robbery, rape, kidnap, and other violent crimes that seriously endanger personal safety that causes injury or death to the unlawful infringer since such an act is not an excessive defense.

Article 21 . Criminal responsibility is not to be borne for damage resulting from an act of urgent danger prevention that must be undertaken in order to avert the occurrence of present danger to the state or public interest or the rights of the person, property rights, or other rights of the actor or of other people.

Criminal responsibility shall be borne where urgent danger prevention exceeds the necessary limits and causes undue harm. However, consideration shall be given

从轻或者减轻处罚；过失犯罪的，应当从轻或者减轻处罚。

第十八条 【特殊人员的刑事责任能力】精神病人在不能辨认或者不能控制自己行为的时候造成危害结果，经法定程序鉴定确认的，不负刑事责任，但是应当责令他的家属或者监护人严加看管和医疗；在必要的时候，由政府强制医疗。

间歇性的精神病人在精神正常的时候犯罪，应当负刑事责任。

尚未完全丧失辨认或者控制自己行为能力的精神病人犯罪的，应当负刑事责任，但是可以从轻或者减轻处罚。

醉酒的人犯罪，应当负刑事责任。

第十九条 【又聋又哑的人或盲人犯罪的刑事责任】又聋又哑的人或者盲人犯罪，可以从轻、减轻或者免除处罚。

第二十条 【正当防卫】为了使国家、公共利益、本人或者他人的人身、财产和其他权利免受正在进行的不法侵害，而采取的制止不法侵害的行为，对不法侵害人造成损害的，属于正当防卫，不负刑事责任。

正当防卫明显超过必要限度造成重大损害的，应当负刑事责任，但是应当减轻或者免除处罚。

对正在进行行凶、杀人、抢劫、强奸、绑架以及其他严重危及人身安全的暴力犯罪，采取防卫行为，造成不法侵害人伤亡的，不属于防卫过当，不负刑事责任。

第二十一条 【紧急避险】为了使国家、公共利益、本人或者他人的人身、财产和其他权利免受正在发生的危险，不得已采取的紧急避险行为，造成损害的，不负刑事责任。

紧急避险超过必要限度造成不应有的损害的，应当负刑事责任，但是应当

according to the circumstances to imposing a mitigated punishment or to granting exemption from punishment.

The provisions of the first paragraph with respect to preventing danger to oneself do not apply to a person who bears specific responsibility in his post or profession.

Section 2 . Preparation for a Crime, Criminal Attempt and Discontinuation of a Crime

Article 22 . Preparation for a crime is preparation of the instruments or creation of the conditions for the commission of a crime.

One who prepares for a crime may, in comparison with one who consummates the crime, be given a lesser punishment or a mitigated punishment or be exempted from punishment.

Article 23 . Criminal attempt occurs when a crime has already begun to be carried out but is not consummated because of factors independent of the will of the criminal element.

One who attempts to commit a crime may, in comparison with one who consummates the crime, be given a lesser punishment or a mitigated punishment.

Article 24 . Discontinuation of a crime occurs when, during the process of committing a crime, the actor voluntarily discontinues the crime or voluntarily and effectively prevents the consequences of the crime from occurring.

One who discontinues a crime shall be exempted from punishment when there is no harm done or be given a mitigated punishment when there is harm done.

Section 3 . Joint Crimes

Article 25 . A joint crime is an intentional crime committed by two or more persons jointly.

A negligent crime committed by two or more persons jointly is not to be punished as a joint crime; those who should bear criminal responsibility are to be punished separately according to the crimes they have committed.

Article 26 . A principal offender is one who organizes and leads a criminal group in conducting criminal activities or plays a principal role in a joint crime.

A crime syndicate is a more or less permanent crime organization composed of three or more persons for the purpose of jointly committing crimes.

The head who organizes or leads a crime syndicate shall bear criminal responsibility for all the crimes committed by the syndicate.

A principal offender other than the one stipulated in the third paragraph shall bear

减轻或者免除处罚。

第一款中关于避免本人危险的规定，不适用于职务上、业务上负有特定责任的人。

第二节 犯罪的预备、未遂和中止

第二十二条 【犯罪预备】为了犯罪，准备工具、制造条件的，是犯罪预备。

对于预备犯，可以比照既遂犯从轻、减轻处罚或者免除处罚。

第二十三条 【犯罪未遂】已经着手实行犯罪，由于犯罪分子意志以外的原因而未得逞的，是犯罪未遂。

对于未遂犯，可以比照既遂犯从轻或者减轻处罚。

第二十四条 【犯罪中止】在犯罪过程中，自动放弃犯罪或者自动有效地防止犯罪结果发生的，是犯罪中止。

对于中止犯，没有造成损害的，应当免除处罚；造成损害的，应当减轻处罚。

第三节 共同犯罪

第二十五条 【共同犯罪的概念】共同犯罪是指二人以上共同故意犯罪。

二人以上共同过失犯罪，不以共同犯罪论处；应当负刑事责任的，按照他们所犯的罪分别处罚。

第二十六条 【主犯】组织、领导犯罪集团进行犯罪活动的或者在共同犯罪中起主要作用的，是主犯。

三人以上为共同实施犯罪而组成的较为固定的犯罪组织，是犯罪集团。

对组织、领导犯罪集团的首要分子，按照集团所犯的全部罪行处罚。

对于第三款规定以外的主犯，应当按

criminal responsibility for all the crimes he participated in, organized, or directed.

Article 27 . An accomplice is one who plays a secondary or supplementary role in a joint crime.

An accomplice shall, in comparison with a principal offender, be given a lesser punishment or a mitigated punishment or be exempted from punishment.

Article 28 . One who is coerced to participate in a crime shall, according to the circumstances of his crime, be given a mitigated punishment or be exempted from punishment.

Article 29 . One who instigates others to commit a crime shall be punished according to the role he plays in the joint crime. One who instigates a person under the age of eighteen to commit a crime shall be given a heavier punishment.

If the instigated person does not commit the instigated crime, the instigator may be given a lesser punishment or a mitigated punishment.

Section 4 . Crimes Committed by a Unit

Article 30 . A company, enterprise, institution, organization, or group which commits an act endangering society that is considered a crime under the law shall bear criminal responsibility.

Article 31 . A unit responsible for a criminal act shall be fined. The person in charge and other personnel who are directly responsible shall also bear criminal responsibility. Where there are other stipulations in the Special Provisions of this Law or other laws, those stipulations shall apply.

Chapter III Punishments

Section 1 . Types of Punishments

Article 32 . Punishments are divided into principal punishments and supplementary punishments.

Article 33 . The types of principal punishments are:

- (1) probation;
- (2) limited incarceration;
- (3) fixed-term imprisonment;
- (4) life imprisonment; and

照其所参与的或者组织、指挥的全部犯罪处罚。

第二十七条 【从犯】在共同犯罪中起次要或者辅助作用的，是从犯。

对于从犯，应当从轻、减轻处罚或者免除处罚。

第二十八条 【胁从犯】对于被胁迫参加犯罪的，应当按照他的犯罪情节减轻处罚或者免除处罚。

第二十九条 【教唆犯】教唆他人犯罪的，应当按照他在共同犯罪中所起的作用处罚。教唆不满十八周岁的人犯罪的，应当从重处罚。

如果被教唆的人没有犯被教唆的罪，对于教唆犯，可以从轻或者减轻处罚。

第四节 单位犯罪

第三十条 【单位负刑事责任的范围】公司、企业、事业单位、机关、团体实施的危害社会的行为，法律规定为单位犯罪的，应当负刑事责任。

第三十一条 【单位犯罪的处罚原则】单位犯罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员判处刑罚。本法分则和其他法律另有规定的，依照规定。

第三章 刑罚

第一节 刑罚的种类

第三十二条 【主刑和附加刑】刑罚分为主刑和附加刑。

第三十三条 【主刑种类】主刑的种类如下：

- (一) 管制；
- (二) 拘役；
- (三) 有期徒刑；
- (四) 无期徒刑；

(5) death penalty.

Article 34 . The types of supplementary punishments are:

(1) Fines;

(2) Deprivation of political rights; and

(3) Confiscation of property.

Supplementary punishments may also be applied independently.

Article 35 . Deportation may be applied in an independent or supplementary manner to a foreigner who commits a crime.

Article 36 . Where the victim has suffered economic loss as a result of a criminal act, the criminal element, in addition to receiving criminal sanctions according to law, shall in accordance with the circumstances be sentenced to make compensation for the economic loss.

Where the criminal element bears responsibility for civil compensation and is also imposed a fine, if his property is not enough to pay the compensation and fine in full or if he has also been sentenced to confiscation of property, he shall first pay civil compensation to the victim.

Article 37 . Where the circumstances of a person's crime are minor and do not require sentencing for punishment, an exemption from criminal sanctions may be granted him, but he may, according to the different circumstances of each case, be reprimanded or ordered to make a statement of repentance or formal apology or make compensation for losses, or be subjected to administrative sanctions by the competent department.

Article 37 (I): Whoever is given a penalty due to a crime committed by taking advantage of his or her profession or a crime committed in violation of the specific obligations required by his or her profession may be prohibited by the people's court from engaging in the relevant profession for three to five years from the date when the penalty ends or the date when the person is released on parole in light of the circumstances of the crime committed and the need for preventing the commission of any other crime.

Where a person who is prohibited from engaging in the relevant profession violates the decision made by a people's court in accordance with the provisions of the preceding paragraph, the person shall be given a penalty by the public security authority in accordance with the law and, if the circumstances are serious, be convicted and punished in accordance with the provisions of Article 313 of this Law.

Where there are other prohibitive or restrictive provisions in any other law or

(五) 死刑。

第三十四条 【附加刑种类】附加刑的种类如下：

(一) 罚金；

(二) 剥夺政治权利；

(三) 没收财产。

附加刑也可以独立适用。

第三十五条 【驱逐出境】对于犯罪的外国人，可以独立适用或者附加适用驱逐出境。

第三十六条 【赔偿经济损失与民事优先原则】由于犯罪行为而使被害人遭受经济损失的，对犯罪分子除依法给予刑事处罚外，并应根据情况判处赔偿经济损失。

承担民事赔偿责任的犯罪分子，同时被判处罚金，其财产不足以全部支付的，或者被判处没收财产的，应当先承担对被害人的民事赔偿责任。

第三十七条 【非刑罚性处置措施】对于犯罪情节轻微不需要判处刑罚的，可以免于刑事处罚，但是可以根据案件的不同情况，予以训诫或者责令具结悔过、赔礼道歉、赔偿损失，或者由主管部门予以行政处罚或者行政处分。

第三十七条 之一 【禁业规定】因利用职业便利实施犯罪，或者实施违背职业要求的特定义务的犯罪被判处刑罚的，人民法院可以根据犯罪情况和预防再犯罪的需要，禁止其自刑罚执行完毕之日或者假释之日起从事相关职业，期限为三年至五年。

被禁止从事相关职业的人违反人民法院依照前款规定作出的决定的，由公安机关依法给予处罚；情节严重的，依照本法第三百一十三条的规定定罪处罚。

其他法律、行政法规对其从事相关职

administrative regulation on the person's engagement in the relevant profession, such provisions shall prevail.

Section 2 . Probation

Article 38 . The term of probation is not less than three months and not more than two years.

In light of the crime committed, a convict sentenced to probation may also be prohibited from engaging in certain activities, entering certain areas or places or contacting certain persons during the term of execution.

Criminals sentenced to probation shall be subject to community correction.

Whoever violates a restraining order as provided for in paragraph 2 shall be punished in accordance with the [Public Security Administrative Punishments Law of the People's Republic of China](#) .

Article 39 . A criminal element who is sentenced to probation must abide by the following rules during the term in which his probation is being carried out:

- (1) abide by laws and administrative regulations, submit himself to supervision;
- (2) shall not exercise the rights to freedom of speech, of the press, of assembly, of association, of procession, and of demonstration without the approval of the organ executing the probation;
- (3) report on his own activities pursuant to the rules of the organ executing the probation;
- (4) abide by the rules of the organ executing the probation for meeting visitors;
- (5) report and obtain approval from the organ executing the probation for a change in residence or departure from the city or county.

A criminal element who is sentenced to probation shall, while engaged in labor, receive equal pay for equal work.

Article 40 . Upon the expiration of the term of the probation, the organ executing the probation shall announce the termination of probation to the criminal element sentenced to probation and to the masses concerned.

Article 41 . The term of probation is counted as commencing on the date the judgment begins to be executed; where custody has been employed before the judgment begins to be executed, the term is to be shortened by two days for each day spent in custody.

业另有禁止或者限制性规定的，从其规定。

第二节 管制

第三十八条 【管制的期限与执行机关】管制的期限，为三个月以上二年以下。

判处管制，可以根据犯罪情况，同时禁止犯罪分子在执行期间从事特定活动，进入特定区域、场所，接触特定的人。

对判处管制的犯罪分子，依法实行社区矫正。

违反第二款规定的禁止令的，由公安机关依照《[中华人民共和国治安管理处罚法](#)》的规定处罚。

第三十九条 【被管制罪犯的义务与权利】被判处管制的犯罪分子，在执行期间，应当遵守下列规定：

- （一）遵守法律、行政法规，服从监督；
- （二）未经执行机关批准，不得行使言论、出版、集会、结社、游行、示威自由的权利；
- （三）按照执行机关规定报告自己的活动情况；
- （四）遵守执行机关关于会客的规定；

（五）离开所居住的市、县或者迁居，应当报经执行机关批准。

对于被判处管制的犯罪分子，在劳动中应当同工同酬。

第四十条 【管制期满解除】被判处管制的犯罪分子，管制期满，执行机关应即向本人和其所在单位或者居住地的群众宣布解除管制。

第四十一条 【管制刑期的计算和折抵】管制的刑期，从判决执行之日起计算；判决执行以前先行羁押的，羁

Section 3 . Limited incarceration

Article 42 . The term of limited incarceration is not less a month and not more than six months.

Article 43 . A criminal element sentenced to limited incarceration is to have his sentence executed by the public security organ in the vicinity.

During the period of execution, a criminal element sentenced to limited incarceration may go home for one or two days each month; consideration may be given according to the circumstances to granting compensation to those who participate in labor.

Article 44 . The term of limited incarceration is counted as commencing on the date the judgment begins to be executed; where custody has been employed before the judgment, the term is to be shortened by one day for each day spent in custody.

Section 4 . Fixed-Term Imprisonment And Life Imprisonment

Article 45 . Except as otherwise provided in Articles 50 and 69 of this Law, the term of fixed-term imprisonment is not less than six months and not more than fifteen years.

Article 46 . A criminal element sentenced to fixed-term imprisonment or life imprisonment is to have his sentence executed in prison or in another organ executing the sentence; anyone with the ability to labor shall take part in labor, receive education, and undergo reform.

Article 47 . The term of fixed-term imprisonment is counted as commencing on the date the judgment begins to be executed; where custody has been employed before the judgment begins to be executed, the term is to be shortened by one day for each day spent in custody.

Section 5 . Death Penalty

Article 48 . The death penalty is only to be applied to criminal elements who commit the most heinous crimes. In the case of a criminal element who should be sentenced to death, if immediate execution is not essential, a two-year suspension of execution may be announced at the same time the sentence of death is imposed.

Except for judgments made by the Supreme People's Court according to law, all sentences of death shall be submitted to the Supreme People's Court for approval. Sentences of death with suspension of execution may be decided or approved by a high people's court.

押一日折抵刑期二日。

第三节 拘役

第四十二条 【拘役的期限】拘役的期限，为一个月以上六个月以下。

第四十三条 【拘役的执行】被判处拘役的犯罪分子，由公安机关就近执行。

在执行期间，被判处拘役的犯罪分子每月可以回家一天至两天；参加劳动的，可以酌量发给报酬。

第四十四条 【拘役刑期的计算和折抵】拘役的刑期，从判决执行之日起计算；判决执行以前先行羁押的，羁押一日折抵刑期一日。

第四节 有期徒刑、无期徒刑

第四十五条 【有期徒刑的期限】有期徒刑的期限，除本法第五十条、第六十九条规定外，为六个月以上十五年以下。

第四十六条 【有期徒刑与无期徒刑的执行】被判处有期徒刑、无期徒刑的犯罪分子，在监狱或者其他执行场所执行；凡有劳动能力的，都应当参加劳动，接受教育和改造。

第四十七条 【有期徒刑刑期的计算与折抵】有期徒刑的刑期，从判决执行之日起计算；判决执行以前先行羁押的，羁押一日折抵刑期一日。

第五节 死刑

第四十八条 【死刑、死缓的适用对象及核准程序】死刑只适用于罪行极其严重的犯罪分子。对于应当判处死刑的犯罪分子，如果不是必须立即执行的，可以判处死刑同时宣告缓期二年执行。

死刑除依法由最高人民法院判决的以外，都应当报请最高人民法院核准。死刑缓期执行的，可以由高级人民法院判决或者核准。

Article 49 . The death penalty is not to be applied to persons who have not reached the age of eighteen at the time the crime is committed or to women who are pregnant at the time of adjudication.

The death penalty shall not be given to a person attaining the age of 75 at the time of trial, unless he has caused the death of another person by especially cruel means.

Article 50 . Where a convict is sentenced to death with a reprieve, if he or she does not commit any intentional crime during the period of reprieve, the sentence shall be commuted to life imprisonment upon expiration of the two-year period; if he or she has any major meritorious performance, the sentence shall be commuted to imprisonment of 25 years upon expiration of the two-year period; if the criminal has committed an intentional crime with execrable circumstances, the death penalty shall be executed with the approval of the Supreme People's Court. If the crime is committed intentionally but the death penalty is not executed, the period of the death penalty with a reprieve shall be recalculated and be reported to the Supreme People's Court for recordation.

For a recidivist or a convict of murder, rape, robbery, abduction, arson, explosion, dissemination of hazardous substances or organized violence who is sentenced to death with a reprieve, the people's court may, in sentencing, decide to put restrictions on commutation of his sentence in light of the circumstances of the crime committed.

Article 51 . The term for suspending execution of a sentence of death is counted as commencing on the date the judgment becomes final. The term of a sentence that is reduced from the death penalty with suspension of execution to fixed-term imprisonment is counted as commencing on the date the suspension of execution expires.

Section 6 . Fines

Article 52 . In imposing a fine, the amount of the fine shall be determined according to the circumstances of the crime.

Article 53 . A fine shall be paid in a lump sum or in installments within the period specified in the judgment. The person who fails to pay the fine in full upon the expiration of the period shall be compelled to pay. If the person sentenced is unable to pay the fine in full, the people's court may collect whenever the person is found in possession of executable property.

Where a person truly has difficulties in paying the fine because he or she due to irresistible calamity or any other reason, the people's court may render a ruling to postpone the payment of the fine, or grant a reduction or even exemption in light of the

第四十九条

【死刑适用对象的限制】犯罪的时候不满十八周岁的人和审判的时候怀孕的妇女，不适用死刑。

审判的时候已满七十五周岁的人，不适用死刑，但以特别残忍手段致人死亡的除外。

第五十条 【死缓变更】判处死刑缓期执行的，在死刑缓期执行期间，如果没有故意犯罪，二年期满以后，减为无期徒刑；如果确有重大立功表现，二年期满以后，减为二十五年有期徒刑；如果故意犯罪，情节恶劣的，报请最高人民法院核准后执行死刑；对于故意犯罪未执行死刑的，死刑缓期执行的期间重新计算，并报最高人民法院备案。

对被判处死刑缓期执行的累犯以及因故意杀人、强奸、抢劫、绑架、放火、爆炸、投放危险物质或者有组织的暴力性犯罪被判处死刑缓期执行的犯罪分子，人民法院根据犯罪情节等情况可以同时决定对其限制减刑。

第五十一条 【死缓期间及减为有期徒刑的刑期计算】死刑缓期执行的期间，从判决确定之日起计算。死刑缓期执行减为有期徒刑的刑期，从死刑缓期执行期满之日起计算。

第六节 罚金

第五十二条 【罚金数额的裁量】判处罚金，应当根据犯罪情节决定罚金数额。

第五十三条 【罚金的缴纳】罚金在判决指定的期限内一次或者分期缴纳。期满不缴纳的，强制缴纳。对于不能全部缴纳罚金的，人民法院在什么时候发现被执行人有可以执行的财产，应当随时追缴。

由于遭遇不能抗拒的灾祸等原因缴纳确实有困难的，经人民法院裁定，可以延期缴纳、酌情减少或者免除。

actual circumstances.

Section 7 . Deprivation of Political Rights

Article 54 . Deprivation of political rights is deprivation of the following rights:

- (1) The right to elect and the right to be elected;
- (2) the right to freedom of speech, of the press, of assembly, of association, of procession, and of demonstration;
- (3) the right to hold a position in state organs; and
- (4) the right to hold a leading position in a state-owned company, enterprise, or institution or people's organization.

Article 55 . The term of deprivation of political rights is not less than one year and not more than five years, except as otherwise stipulated in Article 57 of this Law.

In situations where a person is sentenced to probation and to deprivation of political rights as a supplementary punishment, the term of deprivation of political rights is to be the same as the term of probation, and the punishments are to be executed at the same time.

Article 56 . A criminal element endangering state security shall be sentenced to deprivation of political rights as a supplementary punishment; a criminal element guilty of murder, rape, arson, explosion, spreading poison, or robbery who seriously undermines social order may also be sentenced to deprivation of political rights as a supplementary punishment.

Where deprivation of political rights is applied independently, stipulations in the Special Provisions of this Law shall be followed.

Article 57 . A criminal element who is sentenced to death or to life imprisonment shall be deprived of political rights for life.

When the death penalty with a suspension of execution is reduced to fixed-term imprisonment, or life imprisonment is reduced to fixed-term imprisonment, the term of the supplementary punishment of deprivation of political rights shall be changed to not less than three years and not more than ten years.

Article 58 . The term of the supplementary punishment of deprivation of political rights is counted as commencing on the date that imprisonment or limited incarceration ends or on the date that parole begins; the deprivation of political rights is naturally to be effective during the period in which the principal punishment is being executed.

第七节 剥夺政治权利

第五十四条 【剥夺政治权利的含义】
剥夺政治权利是剥夺下列权利:

- (一) 选举权和被选举权;
- (二) 言论、出版、集会、结社、游行、示威自由的权利;
- (三) 担任国家机关职务的权利;
- (四) 担任国有公司、企业、事业单位和人民团体领导职务的权利。

第五十五条 【剥夺政治权利的期限】
剥夺政治权利的期限, 除本法第五十七条规定外, 为一年以上五年以下。

判处管制附加剥夺政治权利的, 剥夺政治权利的期限与管制的期限相等, 同时执行。

第五十六条 【剥夺政治权利的附加、独立适用】对于危害国家安全的犯罪分子应当附加剥夺政治权利; 对于故意杀人、强奸、放火、爆炸、投毒、抢劫等严重破坏社会秩序的犯罪分子, 可以附加剥夺政治权利。

独立适用剥夺政治权利的, 依照本法分则的规定。

第五十七条 【对死刑、无期徒刑罪犯剥夺政治权利的适用】对于被判处死刑、无期徒刑的犯罪分子, 应当剥夺政治权利终身。

在死刑缓期执行减为有期徒刑或者无期徒刑减为有期徒刑的时候, 应当把附加剥夺政治权利的期限改为三年以上十年以下。

第五十八条 【剥夺政治权利的刑期计算、效力与执行】附加剥夺政治权利的刑期, 从徒刑、拘役执行完毕之日或者从假释之日起计算; 剥夺政治权利的效力当然施用于主刑执行期间。

A criminal element who is deprived of political rights shall abide by laws, administrative regulations, and relevant regulations on supervision and administration promulgated by public security departments under the State Council; submit to supervision; and is forbidden from exercising rights stipulated in Article 54 of this Law.

Section 8 . Confiscation of Property

Article 59 . Confiscation of property is the confiscation of part or all of the property personally owned by the criminal element. Where all of the property personally owned by the criminal element is confiscated, living expenses shall be set aside for the criminal element himself and the dependents he supports.

When a sentence of confiscation of property is imposed, property that belongs to or should belong to family members of the criminal element may not be confiscated.

Article 60 . Where it is necessary to use the confiscated property to repay legitimate debts incurred by the criminal element before the property was confiscated, the debts shall be paid at the request of the creditors.

Chapter IV The Concrete Application Of Punishments

Section 1 . Sentencing

Article 61 . When deciding the punishment of a criminal element, the sentence shall be imposed on the basis of the facts of the crime, the nature and circumstances of the crime, and the degree of harm to society, in accordance with the relevant stipulations of this law.

Article 62 . Where the circumstances of a criminal element are such as to give him a heavier punishment or a lesser punishment under the stipulations of this law, he shall be sentenced to a punishment within the legally prescribed limits of punishment.

Article 63 . Where there is any circumstance of mitigation of penalty, a convict shall be given a penalty below the statutory penalty; and if there are two or more ranges of sentencing under this Law, the penalty shall be given within the range next lower to the statutory range.

Although the circumstances of a criminal element do not warrant giving him a mitigated punishment under the stipulations of this law, he too may be sentenced to a punishment below the legally prescribed punishment based on the special situation of the case and with the approval of the Supreme People's Court.

被剥夺政治权利的犯罪分子，在执行期间，应当遵守法律、行政法规和国务院公安部门有关监督管理的规定，服从监督；不得行使本法第五十四条规定的各项权利。

第八节 没收财产

第五十九条 【没收财产的范围】没收财产是没收犯罪分子个人所有财产的一部或者全部。没收全部财产的，应当对犯罪分子个人及其扶养的家属保留必需的生活费用。

在判处没收财产的时候，不得没收属于犯罪分子家属所有或者应有的财产。

第六十条 【以没收的财产偿还债务】没收财产以前犯罪分子所负的正当债务，需要以没收的财产偿还的，经债权人请求，应当偿还。

第四章 刑罚的具体运用

第一节 量刑

第六十一条 【量刑的一般原则】对于犯罪分子决定刑罚的时候，应当根据犯罪的事实、犯罪的性质、情节和对于社会的危害程度，依照本法的有关规定判处。

第六十二条 【从重处罚与从轻处罚】犯罪分子具有本法规定的从重处罚、从轻处罚情节的，应当在法定刑的限度以内判处刑罚。

第六十三条 【减轻处罚】犯罪分子具有本法规定的减轻处罚情节的，应当在法定刑以下判处刑罚；本法规定有数个量刑幅度的，应当在法定量刑幅度的下一个量刑幅度内判处刑罚。

犯罪分子虽然不具有本法规定的减轻处罚情节，但是根据案件的特殊情况，经最高人民法院核准，也可以在法定刑以下判处刑罚。

Article 64 . All articles of property illegally obtained by the criminal element shall be recovered or he shall be ordered to make restitution or pay compensation for them. The legitimate property of the victims shall be promptly returned. Contraband and articles of the criminal's own property used for committing the crime shall be confiscated. Articles of confiscated property and fines shall be handed over to the national treasury and shall not be diverted or otherwise disposed of.

Section 2 . Recidivists

Article 65 . Where a convict sentenced to fixed-term imprisonment or a heavier penalty commits again a crime for which a fixed-term imprisonment or a heavier penalty shall be given within five years after finishing serving his sentence or being pardoned, he shall be a recidivist and be given a heavier penalty, unless it is a negligent crime or he commits the crime under the age of 18.

In situations where a criminal element is granted a parole, the period stipulated in the preceding paragraph is to be counted as commencing on the date of expiration of the parole.

Article 66 . A convict of jeopardizing the national security, terrorist activities or organized crime of a gangland nature shall be punished as a recidivist for any of such crimes committed again by him at any time after he finishes serving his sentence or is pardoned.

Section 3 . Voluntary Surrender and Meritorious Service

Article 67 . The act of voluntarily giving oneself up to the police and giving a true account of one's crime after committing it is an act of voluntary surrender. Criminal elements who voluntarily surrender may be given a lesser punishment or a mitigated punishment. Those among them whose crimes are relatively minor may be exempted from punishment.

Where criminal suspects, defendants, and criminals serving sentences give a true account of their other crimes which are not known to the judicial organ, their actions are regarded as an act of voluntary surrender.

A criminal suspect who truthfully confesses to his crime may be given a lighter penalty although there is no voluntary surrender as mentioned in the preceding two paragraphs; and may be given a mitigated penalty if any especially serious consequence is avoided for his truthful confession.

Article 68 . Criminal elements who perform meritorious service by exposing other people's crimes that can be verified or who provide important clues leading the

第六十四条

【犯罪物品的处理】犯罪分子违法所得的一切财物，应当予以追缴或者责令退赔；对被害人的合法财产，应当及时返还；违禁品和供犯罪所用的本人财物，应当予以没收。没收的财物和罚金，一律上缴国库，不得挪用和自行处理。

第二节 累犯

第六十五条 【一般累犯】被判处有期徒刑以上刑罚的犯罪分子，刑罚执行完毕或者赦免以后，在五年以内再犯应当判处有期徒刑以上刑罚之罪的，是累犯，应当从重处罚，但是过失犯罪和不满十八周岁的人犯罪的除外。

前款规定的期限，对于被假释的犯罪分子，从假释期满之日起计算。

第六十六条 【特别累犯】危害国家安全犯罪、恐怖活动犯罪、黑社会性质的组织犯罪的犯罪分子，在刑罚执行完毕或者赦免以后，在任何时候再犯上述任一类罪的，都以累犯论处。

第三节 自首和立功

第六十七条 【自首】犯罪以后自动投案，如实供述自己的罪行的，是自首。对于自首的犯罪分子，可以从轻或者减轻处罚。其中，犯罪较轻的，可以免除处罚。

被采取强制措施的犯罪嫌疑人、被告人和正在服刑的罪犯，如实供述司法机关还未掌握的本人其他罪行的，以自首论。

犯罪嫌疑人虽不具有前两款规定的自首情节，但是如实供述自己罪行的，可以从轻处罚；因其如实供述自己罪行，避免特别严重后果发生的，可以减轻处罚。

第六十八条 【立功】犯罪分子有揭发他人犯罪行为，查证属实的，或者

cracking of other cases may be given a lesser punishment or a mitigated punishment. Those who performed major meritorious service may be given a mitigated punishment or may be exempted from punishment.

Section 4 . Combined Punishment For More Than One Crime

Article 69 . Where a person is convicted of more than one crime before a sentence is pronounced, except for the death penalty or life imprisonment, the term of criminal penalty to be executed shall be decided in light of the actual circumstances below the sum of terms but above the highest term of the imposed criminal penalties; however, the decided term of probation shall not exceed three years, the decided term of limited incarceration shall not exceed one year, and the decided fixed-term imprisonment shall not exceed 20 years if the sum of terms of fixed-term imprisonment is less than 35 years or shall not exceed 25 years if the sum of terms is 35 years or more.

If, for the plural crimes, imprisonment and limited incarceration shall be imposed, the imprisonment shall be executed. If imprisonment and surveillance, or limited incarceration and surveillance, shall be imposed for the plural crimes, surveillance shall still be executed after imprisonment or limited incarceration is executed.

If there are accessory penalties imposed for the crimes, the accessory penalties must still be executed. Accessory penalties of the same kind shall be executed on a consolidated basis, while those of different kinds shall be executed separately.

Article 70 . If, after judgment has been pronounced but before the punishment has been completely executed, it is discovered that, before judgment was pronounced, the sentenced criminal element committed another crime for which he has not been sentenced, a judgment shall be rendered for the newly-discovered crime, and the punishment to be executed for the punishments sentenced in the two, former and latter, judgments decided according to the stipulations of Article 69 of this law. The term that has already been executed shall be counted in the term decided by the new judgment.

Article 71 . If after judgment has been pronounced but before the punishment has been completely executed the sentenced criminal element again commits a crime, a judgment shall be rendered for the newly-committed crime, and the punishment to be executed for the punishment that has not been executed for the former crime and the punishment imposed for the latter crime decided according to the stipulations of Article 69 of this law.

Section 5 . Suspension of Sentence

Article 72 . Where a convict sentenced to limited incarceration or imprisonment of not

提供重要线索，从而得以侦破其他案件等立功表现的，可以从轻或者减轻处罚；有重大立功表现的，可以减轻或者免除处罚。

第四节 数罪并罚

第六十九条 【数罪并罚的一般原则】

判决宣告以前一人犯数罪的，除判处死刑和无期徒刑的以外，应当在总和刑期以下、数刑中最高刑期以上，酌情决定执行的刑期，但是管制最高不能超过三年，拘役最高不能超过一年，有期徒刑总和刑期不满三十五年的，最高不能超过二十年，总和刑期在三十五年以上的，最高不能超过二十五年。

数罪中有判处有期徒刑和拘役的，执行有期徒刑。数罪中有判处有期徒刑和管制，或者拘役和管制的，有期徒刑、拘役执行完毕后，管制仍须执行。

数罪中有判处附加刑的，附加刑仍须执行，其中附加刑种类相同的，合并执行，种类不同的，分别执行。

第七十条 【判决宣告后发现漏罪的并罚】判决宣告以后，刑罚执行完毕以前，发现被判刑的犯罪分子在判决宣告以前还有其他罪没有判决的，应当对新发现的罪作出判决，把前后两个判决所判处的刑罚，依照本法第六十九条的规定，决定执行的刑罚。已经执行的刑期，应当计算在新判决决定的刑期以内。

第七十一条 【判决宣告后又犯新罪的并罚】判决宣告以后，刑罚执行完毕以前，被判刑的犯罪分子又犯罪的，应当对新犯的罪作出判决，把前罪没有执行的刑罚和后罪所判处的刑罚，依照本法第六十九条的规定，决定执行的刑罚。

第五节 缓刑

第七十二条 【适用条件】对于被判

more than 3 years meets the following conditions, a probation may be announced, and a probation shall be announced if he is under the age of 18, is pregnant or attains the age of 75:

- (1) The circumstances of the crime are minor;
- (2) He shows repentance;
- (3) He is not likely to commit any offense again; and
- (4) Announcing the probation will not have any major adverse impact on the community where he lives.

When probation is announced, in light of the crime committed, the convict may also be prohibited from engaging in certain activities, entering certain areas or places or contacting certain persons during probation.

If there is any accessory penalty imposed on a convict on probation, the accessory penalty must still be executed.

Article 73 . The probation period for suspension of limited incarceration is to be not less than the term originally decided and not more than one year, but it may not be less than two months.

The probation period for suspension of fixed-term imprisonment is to be not less than the term originally decided and not more than five years, but it may not be less than one year.

The probation period for suspension is to be counted as commencing on the date the judgment becomes final.

Article 74 . Probation shall not apply to recidivists and ringleaders of criminal gangs.

Article 75 . A criminal element for whom a suspension of sentence has been pronounced shall observe the following stipulations:

- (1) observing the law and administrative statutes and accepting supervision;
- (2) reporting his activities in accordance with the stipulation of the observing organ;
- (3) following the observing organ's stipulation on meeting visitors;
- (4) reporting and applying to the observing organ for approval before leaving or

处拘役、三年以下有期徒刑的犯罪分子，同时符合下列条件的，可以宣告缓刑，对其中不满十八周岁的人、怀孕的妇女和已满七十五周岁的人，应当宣告缓刑：

- （一）犯罪情节较轻；
- （二）有悔罪表现；
- （三）没有再犯罪的危险；
- （四）宣告缓刑对所居住社区没有重大不良影响。

宣告缓刑，可以根据犯罪情况，同时禁止犯罪分子在缓刑考验期限内从事特定活动，进入特定区域、场所，接触特定的人。

被宣告缓刑的犯罪分子，如果被判处附加刑，附加刑仍须执行。

第七十三条 【考验期限】 拘役的缓刑考验期限为原判刑期以上一年以下，但是不能少于二个月。

有期徒刑的缓刑考验期限为原判刑期以上五年以下，但是不能少于一年。

缓刑考验期限，从判决确定之日起计算。

第七十四条 【累犯不适用缓刑】 对于累犯和犯罪集团的首要分子，不适用缓刑。

第七十五条 【缓刑犯应遵守的规定】 被宣告缓刑的犯罪分子，应当遵守下列规定：

- （一）遵守法律、行政法规，服从监督；
- （二）按照考察机关的规定报告自己的活动情况；
- （三）遵守考察机关关于会客的规定；
- （四）离开所居住的市、县或者迁居，

moving from the city or county of residence.

Article 76 . A convict on probation shall be subject to community correction during probation, and if none of the circumstances as set out in Article 77 of this Law occurs, the original sentence shall no longer be executed upon expiration of probation, which shall be announced to the public.

Article 77 . If a criminal element for whom a suspension of sentence has been pronounced commits new crimes during the probation period for suspension or is discovered that, before judgment was pronounced, the sentenced criminal element committed another crime for which he has not been sentenced, the suspension is to be revoked and the punishment to be executed for the punishments imposed for the former and latter crimes is to be decided according to the stipulations of Article 69 of this law.

Where a convict on probation violates any provision of laws, administrative regulations or the relevant department of the State Council on probation supervision and management or violates any restraining order in the judgment of the people's court during probation, if the circumstances are serious, the probation shall be revoked and the original sentence shall be executed.

Section 6 . Reduction of Sentence

Article 78 . A criminal element who is sentenced to probation, limited incarceration, fixed-term imprisonment or life imprisonment may have his sentence reduced if, during the period his punishment is being executed, he earnestly observes prison regulations, accepts reform through education, truly repents, or performs meritorious service. The sentence shall be reduced if any of the following meritorious services are performed:

- (1) preventing someone from engaging in major criminal activities;
- (2) informing on major criminal activities in or outside the prison that can be verified;
- (3) making inventions or major technological renovations;
- (4) risking his life to save others in day-to-day production activities and life;
- (5) performing outstanding service in combating natural disaster or preventing major accidents;
- (6) making other major contributions to the state or society.

应当报经考察机关批准。

第七十六条 【缓刑的考验及其积极后果】对宣告缓刑的犯罪分子，在缓刑考验期限内，依法实行社区矫正，如果没有本法第七十七条规定的情形，缓刑考验期满，原判的刑罚就不再执行，并公开予以宣告。

第七十七条 【缓刑的撤销及其处理】被宣告缓刑的犯罪分子，在缓刑考验期限内犯新罪或者发现判决宣告以前还有其他罪没有判决的，应当撤销缓刑，对新犯的罪或者新发现的罪作出判决，把前罪和后罪所判处的刑罚，依照本法第六十九条的规定，决定执行的刑罚。

被宣告缓刑的犯罪分子，在缓刑考验期限内，违反法律、行政法规或者国务院有关部门关于缓刑的监督管理规定，或者违反人民法院判决中的禁止令，情节严重的，应当撤销缓刑，执行原判刑罚。

第六节 减刑

第七十八条 【减刑条件与限度】被判处管制、拘役、有期徒刑、无期徒刑的犯罪分子，在执行期间，如果认真遵守监规，接受教育改造，确有悔改表现的，或者有立功表现的，可以减刑；有下列重大立功表现之一的，应当减刑：

- （一）阻止他人重大犯罪活动的；
- （二）检举监狱内外重大犯罪活动，经查证属实的；
- （三）有发明创造或者重大技术革新的；
- （四）在日常生产、生活中舍己救人的；
- （五）在抗御自然灾害或者排除重大事故中，有突出表现的；
- （六）对国家和社会有其他重大贡献

After commutation, the actually executed term of criminal penalty shall not be:

- (1) less than 1/2 of the original term of criminal penalty, if probation, limited incarceration or fixed-term imprisonment is imposed;
- (2) less than 13 years, if life imprisonment is imposed; or
- (3) less than 25 years if the death penalty with a reprieve imposed on a convict is legally commuted to life imprisonment upon expiration of the reprieve period, or less than 20 years if it is commuted to imprisonment of 25 years upon expiration of the reprieve period, where the people's court has put restrictions on commutation of the death penalty with a reprieve according to paragraph 2, Article 50 of this Law.

Article 79 . To receive reductions of sentence for criminal elements, the organ executing the sentence shall submit letters of sentence reduction proposal to the people's court at or above the intermediate level. The people's court shall form a collegial panel to examine the proposals and to issue sentence reduction orders for those who demonstrate true repentance and performed meritorious service.

Article 80 . The term of fixed-term imprisonment that is reduced from life imprisonment is counted as commencing on the date of the order reducing the sentence; no sentence reduction shall be made without due legal process.

Section 7 . Parole

Article 81 . Where a convict sentenced to fixed-term imprisonment has served not less than half of the term of his original sentence, or a convict sentenced to life imprisonment has actually served not less than 13 years of imprisonment, he may be paroled if he earnestly observes the prison rules, accepts reform through education and shows true repentance and is not likely to commit any crime again. Under special circumstances, with the approval of the Supreme People's Court, a parole may be granted without regard to the above restrictions on the term served.

No parole shall be granted to a recidivist or a convict sentenced to imprisonment of not less than 10 years or life imprisonment for murder, rape, robbery, abduction, arson, explosion, dissemination of hazardous substances or organized violent crime.

When a parole decision is made on a convict, the impact of his release on parole on the community where he lives shall be considered.

的。

减刑以后实际执行的刑期不能少于下列期限:

(一) 判处管制、拘役、有期徒刑的, 不能少于原判刑期的二分之一;

(二) 判处无期徒刑的, 不能少于十三年;

(三) 人民法院依照本法第五十条第二款规定限制减刑的死刑缓期执行的犯罪分子, 缓期执行期满后依法减为无期徒刑的, 不能少于二十五年, 缓期执行期满后依法减为二十五年有期徒刑的, 不能少于二十年。

第七十九条 【减刑程序】对于犯罪分子的减刑, 由执行机关向中级以上人民法院提出减刑建议书。人民法院应当组成合议庭进行审理, 对确有悔改或者立功事实的, 裁定予以减刑。非经法定程序不得减刑。

第八十条 【无期徒刑减刑的刑期计算】无期徒刑减为有期徒刑的刑期, 从裁定减刑之日起计算。

第七节 假释

第八十一条 【假释的适用条件】被判处有期徒刑的犯罪分子, 执行原判刑期二分之一以上, 被判处无期徒刑的犯罪分子, 实际执行十三年以上, 如果认真遵守监规, 接受教育改造, 确有悔改表现, 没有再犯罪的危险的, 可以假释。如果有特殊情况, 经最高人民法院核准, 可以不受上述执行刑期的限制。

对累犯以及因故意杀人、强奸、抢劫、绑架、放火、爆炸、投放危险物质或者有组织的暴力性犯罪被判处十年以上有期徒刑、无期徒刑的犯罪分子, 不得假释。

对犯罪分子决定假释时, 应当考虑其假释后对所居住社区的影响。

Article 82 . The granting of parole to criminal elements shall be carried out in accordance with the procedures stipulated in Article 79 of this law; no parole shall be granted without due legal process.

Article 83 . The probation period for parole in the case of fixed-term imprisonment is the term that has not been completed; the probation period for parole in the case of life imprisonment is 10 years.

The probation period for parole is counted as commencing on the date of parole.

Article 84 . Criminal elements granted parole shall observe the following stipulations:

- (1) observing the law and administrative statutes and accepting supervision;
- (2) reporting his activities in accordance with the stipulation of the supervising organ;
- (3) observing the supervising organ's stipulation on meeting visitors;
- (4) reporting and applying to the observing organ for approval before leaving or moving from the city or county of residence.

Article 85 . A convict released on parole shall be subject to community correction during parole according to law, and if none of the circumstances as set out in Article 86 of this Law occurs, the original sentence shall be deemed to have been fully served upon expiration of parole, which shall be announced to the public.

Article 86 . If, during the probation period for parole, a criminal element commits any further crime, the parole is to be revoked and the punishment is to be executed for the punishment that has not been executed for the former crime and the punishment imposed for the latter crime decided according to the stipulations of Article 71 of this law.

If a criminal who is granted parole is discovered to have committed, before the judgment is pronounced, other crimes for which no punishment is imposed, the parole shall be revoked and a combined punishment for several crimes shall be given according to the provisions of Article 70 of this Law.

Where a convict released on parole violates any provision of laws, administrative regulations or the relevant department of the State Council on parole supervision and management during parole, if it does not constitute a new crime, his parole shall be revoked under statutory procedures, and he shall be taken into custody to serve his

第八十二条

【假释的程序】对于犯罪分子的假释，依照本法第七十九条规定的程序进行。非经法定程序不得假释。

第八十三条 【假释的考验期限】有期徒刑的假释考验期限，为没有执行完毕的刑期；无期徒刑的假释考验期限为十年。

假释考验期限，从假释之日起计算。

第八十四条 【假释犯应遵守的规定】被宣告假释的犯罪分子，应当遵守下列规定：

- （一）遵守法律、行政法规，服从监督；
- （二）按照监督机关的规定报告自己的活动情况；
- （三）遵守监督机关关于会客的规定；
- （四）离开所居住的市、县或者迁居，应当报经监督机关批准。

第八十五条 【假释考验及其积极后果】对假释的犯罪分子，在假释考验期限内，依法实行社区矫正，如果没有本法第八十六条规定的情形，假释考验期满，就认为原判刑罚已经执行完毕，并公开予以宣告。

第八十六条 【假释的撤销及其处理】被假释的犯罪分子，在假释考验期限内犯新罪，应当撤销假释，依照本法第七十一条的规定实行数罪并罚。

在假释考验期限内，发现被假释的犯罪分子在判决宣告以前还有其他罪没有判决的，应当撤销假释，依照本法第七十条的规定实行数罪并罚。

被假释的犯罪分子，在假释考验期限内，有违反法律、行政法规或者国务院有关部门关于假释的监督管理规定的行为，尚未构成新的犯罪的，应当

remaining term of sentence.

依照法定程序撤销假释，收监执行未执行完毕的刑罚。

Section 8 . Limitation

第八节 时效

Article 87 . Crimes are not to be prosecuted where the following periods have elapsed:

第八十七条 【追诉时效期限】 犯罪经过下列期限不再追诉：

(1) in cases where the maximum legally-prescribed punishment is fixed-term imprisonment of less than five years, where five years have elapsed;

（一）法定最高刑为不满五年有期徒刑的，经过五年；

(2) in cases where the maximum legally-prescribed punishment is fixed-term imprisonment of not less than five years and less than ten years, where ten years have elapsed.

（二）法定最高刑为五年以上不满十年有期徒刑的，经过十年；

(3) in cases where the maximum fixed-term imprisonment is not less than ten years, where fifteen years have elapsed.

（三）法定最高刑为十年以上有期徒刑的，经过十五年；

(4) in cases where the maximum legally-prescribed punishment is life-imprisonment or death, where twenty Years have elapsed. If it is considered that a crime must be prosecuted after twenty years, the matter must be submitted to the Supreme People's Procuratorate for approval.

（四）法定最高刑为无期徒刑、死刑的，经过二十年。如果二十年以后认为必须追诉的，须报请最高人民检察院核准。

Article 88 . No limitation on the period for prosecution is to be imposed in cases where, after the people's procuratorates, public security organs, or state security organs have filed to investigate or after the people's courts have decided to hear the cases, the criminal element escapes from investigation or adjudication.

第八十八条 【追诉期限的延长】 在人民检察院、公安机关、国家安全机关立案侦查或者在人民法院受理案件以后，逃避侦查或者审判的，不受追诉期限的限制。

No limitation on the period for prosecution is to be imposed in cases where, after the victims filed charges within the period for prosecution, the people's court, people's procuratorates, or public security organs refused to file for investigation as they should.

被害人在追诉期限内提出控告，人民法院、人民检察院、公安机关应当立案而不予立案的，不受追诉期限的限制。

Article 89 . The period for prosecution is counted as commencing on the date of the crime; if the criminal act is of a continuous or continuing nature, it is counted as commencing on the date the criminal act is completed.

第八十九条 【追诉期限的计算与中断】 追诉期限从犯罪之日起计算；犯罪行为有连续或者继续状态的，从犯罪行为终了之日起计算。

If any further crime is committed during the period for prosecution, the period for prosecution of the former crime is counted as commencing on the date of the latter crime.

在追诉期限以内又犯罪的，前罪追诉的期限从犯后罪之日起计算。

Chapter V Other Provisions

第五章 其他规定

Article 90 . In situations where the autonomous areas inhabited by ethnic groups cannot completely apply the stipulations of this law, the people's congresses of the autonomous regions or of the provinces may formulate alternative or supplementary provisions based upon the political, economic, and cultural characteristics of the local ethnic groups and the basic principles of the stipulations of this law, and these provisions shall go into effect after they have been submitted to and approved by the

第九十条 【民族自治地方刑法适用的变通】 民族自治地方不能全部适用本法规定的，可以由自治区或者省的人民代表大会根据当地民族的政治、经济、文化的特点和本法规定的基本原则，制定变通或者补充的规定，报

National People's Congress Standing Committee.

请全国人民代表大会常务委员会批准施行。

Article 91 . The term "public property" in this law refers to the following property:

第九十一条 【公共财产的范围】 本法所称公共财产，是指下列财产：

- (1) property owned by the state;
- (2) property owned collectively by the laboring masses;
- (3) public donations to be used for aiding the poor and other public services, or property of special funds.

- （一）国有财产；
- （二）劳动群众集体所有的财产；
- （三）用于扶贫和其他公益事业的社会捐助或者专项基金的财产。

Private property that is being managed, used or transported by state organs, state-owned corporations, enterprises, collective enterprises, and people's organizations is to be treated as public property.

在国家机关、国有公司、企业、集体企业和人民团体管理、使用或者运输中的私人财产，以公共财产论。

Article 92 . The term "citizens' private property" in this law refers to the following property:

第九十二条 【公民私人所有财产的范围】 本法所称公民私人所有的财产，是指下列财产：

- (1) citizens' lawful income, savings, houses and other means of livelihood;
- (2) means of production that are under individual or family ownership according to law;
- (3) lawful property of independent businesses and private enterprises;
- (4) shares, stocks, securities and other property that are under individual ownership according to law.

- （一）公民的合法收入、储蓄、房屋和其他生活资料；
- （二）依法归个人、家庭所有的生产资料；
- （三）个体户和私营企业的合法财产；
- （四）依法归个人所有的股份、股票、债券和其他财产。

Article 93 . The term "state personnel" in this law refers to all personnel of state organs.

第九十三条 【国家工作人员的范围】 本法所称国家工作人员，是指国家机关中从事公务的人员。

Personnel engaged in public service in state-owned corporations, enterprises, institutions, and people's organizations; and personnel which state organs, state-owned corporations, enterprises, and institutions assign to engage in public service in non state-owned corporations, enterprises, institutions, and social organizations; as well as other working personnel engaged in public service according to the law, are to be treated as state personnel.

国有公司、企业、事业单位、人民团体中从事公务的人员和国家机关、国有公司、企业、事业单位委派到非国有公司、企业、事业单位、社会团体从事公务的人员，以及其他依照法律从事公务的人员，以国家工作人员论。

Article 94 . The term "judicial personnel" in this law refers to personnel engaged in the functions of investigating, prosecuting, adjudicating, supervising and controlling offenders.

第九十四条 【司法工作人员的范围】 本法所称司法工作人员，是指有侦查、检察、审判、监管职责的工作人员。

Article 95 . The term "serious injury" in this law refers to any one of the following injuries:

第九十五条 【重伤】 本法所称重伤，是指有下列情形之一的伤害：

(1) injuries resulting in loss of the use of a person's limbs or disfigurement;

(一) 使人肢体残废或者毁人容貌的;

(2) injuries resulting in loss of the use of a person's hearing, sight, or functions of any other organ; or

(二) 使人丧失听觉、视觉或者其他器官机能的;

(3) other injuries that cause grave harm to a person's physical health.

(三) 其他对于人身健康有重大伤害的。

Article 96 . The phrase "violating state stipulations" in this law refers to violation of laws and decisions formulated by the National People's Congress or the National People's Congress Standing Committee; and administrative measures prescribed in administrative ordinance and regulations formulated by the State Council; as well as decisions and decrees the State Council promulgated.

第九十六条 【违反国家规定之含义】
本法所称违反国家规定，是指违反全国人民代表大会及其常务委员会制定的法律和决定，国务院制定的行政法规、规定的行政措施、发布的决定和命令。

Article 97 . The term "ringleader" in this law refers to a criminal element who plays the role of organizing, planning or directing a criminal group or a crowd assembled to commit a crime.

第九十七条 【首要分子的范围】
本法所称首要分子，是指在犯罪集团或者聚众犯罪中起组织、策划、指挥作用的犯罪分子。

Article 98 . The phrase "To be handled only upon complaint" in this law refers to handling a case only when the victim files a complaint. If the victim is unable to file a complaint because of coercion or intimidation, a people's procuratorate and the victim's close relatives may also file the complaint.

第九十八条 【告诉才处理的含义】
本法所称告诉才处理，是指被害人告诉才处理。如果被害人因受强制、威吓无法告诉的，人民检察院和被害人的近亲属也可以告诉。

Article 99 . Such phrases as "not less than," "not more than" and "within" in this law all include the given figure.

第九十九条 【以上、以下、以内之界定】本法所称以上、以下、以内，包括本数。

Article 100 . When people join the military, or seek employment, those who received criminal punishments according to law shall factually report to the relevant units the punishments they had received and may not conceal them.

第一百条 【前科报告制度】依法受过刑事处罚的人，在入伍、就业的时候，应当如实向有关单位报告自己曾受过刑事处罚，不得隐瞒。

Whoever is given a penalty lighter than imprisonment of 5 years for a crime committed under the age of 18 shall be exempted from the reporting obligation as mentioned in the preceding paragraph.

犯罪的时候不满十八周岁被判处五年有期徒刑以下刑罚的人，免除前款规定的报告义务。

Article 101 . The General Provisions of this law are applicable to other laws and decrees with stipulations for criminal punishments, but other laws having special stipulations are exceptions.

第一百零一条 【总则的效力】本法总则适用于其他有刑罚规定的法律，但是其他法律有特别规定的除外。

Part II Special Provisions

第二编 分则

Chapter I Crimes of Endangering National Security

第一章 危害国家安全罪

Article 102 . Whoever colludes with foreign states in plotting to harm the motherland's sovereignty, territorial integrity and security is to be sentenced to life imprisonment or not less than ten years of fixed-term imprisonment.

第一百零二条 【背叛国家罪】勾结外国，危害中华人民共和国的主权、领土完整和安全的，处无期徒刑或者

Whoever commits the crimes in the preceding paragraph in collusion with institutions, organization, or individuals outside the country shall be punished according to the stipulations in the preceding paragraph.

Article 103 . Whoever organizes, plots, or acts to split the country or undermine national unification, the ringleader, or the one whose crime is grave, is to be sentenced to life imprisonment or not less than ten years of fixed-term imprisonment; other active participants are to be sentenced to not less than three but not more than 10 years of fixed-term imprisonment; and other participants are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights.

Whoever instigates to split the country and undermine national unification is to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights; ringleaders or those whose crimes are grave are to be sentenced to not less than five years of fixed-term imprisonment.

Article 104 . Whoever organizes, plots, or carries out armed rebellion, or armed riots, the ringleaders, or those whose crimes are grave, are to be sentenced to life imprisonment, or not less than 10 years of fixed-term imprisonment; the active participants are to be sentenced from not less than three to not more than 10 years of fixed-term imprisonment; and other participants are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights.

Whoever instigates, coerces, lures, and bribes state personnel, members of the armed forces, people's police or people's militia to carry out armed rebellion or armed riot are to be heavily punished according to the stipulations in the preceding paragraph.

Article 105 . Whoever organizes, plots, or acts to subvert the political power of the state and overthrow the socialist system, the ringleaders or those whose crimes are grave are to be sentenced to life imprisonment, or not less than 10 years of fixed-term imprisonment; active participants are to be sentenced from not less than three years to not more than 10 years of fixed-term imprisonment; other participants are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights.

Whoever instigates the subversion of the political power of the state and overthrow the socialist system through spreading rumors, slandering, or other ways are to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights; the ringleaders and those

十年以上有期徒刑。

与境外机构、组织、个人相勾结，犯前款罪的，依照前款的规定处罚。

第一百零三条 【分裂国家罪】 组织、策划、实施分裂国家、破坏国家统一的，对首要分子或者罪行重大的，处无期徒刑或者十年以上有期徒刑；对积极参加的，处三年以上十年以下有期徒刑；对其他参加的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

【煽动分裂国家罪】 煽动分裂国家、破坏国家统一的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利；首要分子或者罪行重大的，处五年以上有期徒刑。

第一百零四条 【武装叛乱、暴乱罪】 组织、策划、实施武装叛乱或者武装暴乱的，对首要分子或者罪行重大的，处无期徒刑或者十年以上有期徒刑；对积极参加的，处三年以上十年以下有期徒刑；对其他参加的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

策动、胁迫、勾引、收买国家机关工作人员、武装部队人员、人民警察、民兵进行武装叛乱或者武装暴乱的，依照前款的规定从重处罚。

第一百零五条 【颠覆国家政权罪】 组织、策划、实施颠覆国家政权、推翻社会主义制度的，对首要分子或者罪行重大的，处无期徒刑或者十年以上有期徒刑；对积极参加的，处三年以上十年以下有期徒刑；对其他参加的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

【煽动颠覆国家政权罪】 以造谣、诽谤或者其他方式煽动颠覆国家政权、推翻社会主义制度的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

whose crimes are grave are to be sentenced to not less than five years of fixed-term imprisonment.

Article 106 . Whoever colludes with institutions, organizations, or individuals outside the country and commits crimes stipulated in Articles 103, 104, and 105 of this chapter are to be heavily punished according to the stipulations in the articles.

Article 107 . Where any domestic or overseas institution, organization or individual provides financial support for the commission of a crime as provided for in Article 102, 103, 104 or 105 of this Chapter, the directly liable person shall be sentenced to imprisonment of not more than 5 years, limited incarceration, probation or deprivation of political rights; or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years.

Article 108 . Whoever defects to the enemy and turns traitor is to be sentenced to not less than three years and not more than ten years of fixed-term imprisonment; when the circumstances are serious or when it is a case of leading a group of armed personnel, people's police, or militia to defect to the enemy and turn traitor, the sentence is to be not less than ten years of fixed-term imprisonment or life imprisonment.

Article 109 . A state functionary who, in the course of performing his official duties, leaves his post without permission and flees this country or flees when he is already outside this country shall be sentenced to imprisonment of not more than 5 years, limited incarceration, probation or deprivation of political rights; or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years but not more than 10 years.

A state functionary knowing any national secret, who flees this country or flees when he is already outside this country, shall be given a heavier penalty according to the provision of the preceding paragraph.

Article 110 . Whoever commits any of the following acts of espionage and endangers national security is to be sentenced to not less than 10 years of fixed-term imprisonment or life imprisonment; when the circumstances are relatively minor, the sentence is to be not less than three years and not more than ten years of fixed-term imprisonment:

(1) Joining an espionage organization or accepting a mission assigned by it or its agent; or

(2) Pointing out bombing or shelling targets to the enemy.

Article 111 . Whoever steals, secretly gathers, purchases, or illegally provides state secrets or intelligence for an organization, institution, or personnel outside the country is to be sentenced from not less than five years to not more than 10 years of fixed-term

利; 首要分子或者罪行重大的, 处五年以上有期徒刑。

第一百零六条 【与境外勾结的处罚规定】与境外机构、组织、个人相勾结, 实施本章第一百零三条、第一百零四条、第一百零五条规定之罪的, 依照各该条的规定从重处罚。

第一百零七条 【资助危害国家安全犯罪活动罪】境内外机构、组织或者个人资助实施本章第一百零二条、第一百零三条、第一百零四条、第一百零五条规定之罪的, 对直接责任人员, 处五年以下有期徒刑、拘役、管制或者剥夺政治权利; 情节严重的, 处五年以上有期徒刑。

第一百零八条 【投敌叛变罪】投敌叛变的, 处三年以上十年以下有期徒刑; 情节严重或者带领武装部队人员、人民警察、民兵投敌叛变的, 处十年以上有期徒刑或者无期徒刑。

第一百零九条 【叛逃罪】国家机关工作人员在履行公务期间, 擅离岗位, 叛逃境外或者在境外叛逃的, 处五年以下有期徒刑、拘役、管制或者剥夺政治权利; 情节严重的, 处五年以上十年以下有期徒刑。

掌握国家秘密的国家工作人员叛逃境外或者在境外叛逃的, 依照前款的规定从重处罚。

第一百一十条 【间谍罪】有下列间谍行为之一, 危害国家安全的, 处十年以上有期徒刑或者无期徒刑; 情节较轻的, 处三年以上十年以下有期徒刑:

(一) 参加间谍组织或者接受间谍组织及其代理人的任务的;

(二) 为敌人指示轰击目标的。

第一百一十一条 【为境外窃取、刺探、收买、非法提供国家秘密、情报罪】为境外的机构、组织、人员窃取、

imprisonment; when circumstances are particularly serious, he is to be sentenced to not less than 10 years of fixed-term imprisonment, or life sentence; and when circumstances are relatively minor, he is to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights.

Article 112 . Whoever supplies arms and ammunition or other military materials to an enemy during war time is to be sentenced to not less than 10 years of fixed-term imprisonment or life imprisonment; and when the circumstances are relatively minor, he will be sentenced a fixed-term imprisonment from not less than three years to not more than 10 years.

Article 113 . When one commits the aforementioned crimes in this chapter that endanger national security -- except those stipulated in the second clause of Article 103, and Articles 105, 107 and 109 -- and has incurred particularly serious harms to the country and the people, and the circumstances are particularly vile, he may be sentenced to death.

Whoever commits the crimes in this chapter may also be punished by having his property confiscated.

Chapter II Crimes of Endangering Public Security

Article 114 . Whoever commits arson, breaches dikes, causes explosions, spreads pathogen of infectious diseases, poisonous or radioactive substances or other substances, or uses other dangerous means to endanger public security, but causes no serious consequences, shall be sentenced to fixed-term imprisonment of no less than three years but no more than ten years.

Article 115 . Whoever commits arson, breaches dikes, causes explosions, spreads pathogens of infectious diseases, poisonous or radioactive substances or other substances, or uses other dangerous means to have inflicted any serious injury or death on people or caused heavy losses of public or private property, shall be sentenced to fixed-term imprisonment of no less than ten years, life imprisonment or death.

Whoever commits the crimes in the preceding paragraph negligently is to be sentenced to not less than three years to not more than seven years of fixed-term imprisonment; or not more than three years of fixed-term imprisonment, or limited incarceration, when circumstances are relatively minor.

刺探、收买、非法提供国家秘密或者情报的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑或者无期徒刑；情节较轻的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

第一百一十二条 【资敌罪】战时供给敌人武器装备、军用物资资敌的，处十年以上有期徒刑或者无期徒刑；情节较轻的，处三年以上十年以下有期徒刑。

第一百一十三条 【危害国家安全罪适用死刑、没收财产的规定】本章上述危害国家安全罪行中，除第一百零三条第二款、第一百零五条、第一百零七条、第一百零九条外，对国家和人民危害特别严重、情节特别恶劣的，可以判处死刑。

犯本章之罪的，可以并处没收财产。

第二章 危害公共安全罪

第一百一十四条 【放火罪】【决水罪】【爆炸罪】【投放危险物质罪】【以危险方法危害公共安全罪】放火、决水、爆炸以及投放毒害性、放射性、传染病病原体等物质或者以其他危险方法危害公共安全，尚未造成严重后果的，处三年以上十年以下有期徒刑。

第一百一十五条 【放火罪】【决水罪】【爆炸罪】【投放危险物质罪】【以危险方法危害公共安全罪】放火、决水、爆炸以及投放毒害性、放射性、传染病病原体等物质或者以其他危险方法致人重伤、死亡或者使公私财产遭受重大损失的，处十年以上有期徒刑、无期徒刑或者死刑。

【失火罪】【过失决水罪】【过失爆炸罪】【过失投放危险物质罪】【过失以危险方法危害公共安全罪】过失犯前款罪的，处三年以上七年以下有

Article 116 . Whoever sabotages trains, motor vehicles, streetcars, ships, or airplanes in a manner sufficient to threaten the overturning or destruction of these trains, motor vehicles, streetcars, ships, or airplanes is to be sentenced to not less than three years and not more than ten years of fixed-term imprisonment, in cases when serious consequences have not been caused.

Article 117 . Whoever sabotages railroads, bridges, tunnels, highways, airports, waterways, lighthouses or signs, or conducts other destructive activities in a manner sufficient to threaten the overturning or destruction of trains, motor vehicles, streets, ships or airplanes, is to be sentenced to not less than three years and not more than ten years of fixed-term imprisonment in cases where serious consequences have not been caused.

Article 118 . Whoever endangers public security by sabotaging electric power, gas or other combustible or explosive equipment is to be sentenced to not less than three years and not more than ten years of fixed-term imprisonment in cases where serious consequences have not been caused.

Article 119 . Whoever causes serious consequences by sabotaging means of transportation, transportation equipment, electric power or gas equipment, or combustible or explosive equipment is to be sentenced to not less than ten years of fixed-term imprisonment, life imprisonment, or death.

Whoever commits the crime in the preceding paragraph negligently is to be sentenced to not less than three years but not more than seven years of fixed-term imprisonment; or not more than three years of fixed-term imprisonment, or limited incarceration if circumstances are relatively minor.

Article 120 . Whoever organizes or leads a terrorist organization shall be sentenced to imprisonment of not less than ten years or life imprisonment and a forfeiture of property; whoever actively participates in a terrorist organization shall be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine; and other participants shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights and may be fined in addition.

期徒刑；情节较轻的，处三年以下有期徒刑或者拘役。

第一百一十六条 【破坏交通工具罪】
破坏火车、汽车、电车、船只、航空器，足以使火车、汽车、电车、船只、航空器发生倾覆、毁坏危险，尚未造成严重后果的，处三年以上十年以下有期徒刑。

第一百一十七条 【破坏交通设施罪】
破坏轨道、桥梁、隧道、公路、机场、航道、灯塔、标志或者进行其他破坏活动，足以使火车、汽车、电车、船只、航空器发生倾覆、毁坏危险，尚未造成严重后果的，处三年以上十年以下有期徒刑。

第一百一十八条 【破坏电力设备罪】
【破坏易燃易爆设备罪】破坏电力、燃气或者其他易燃易爆设备，危害公共安全，尚未造成严重后果的，处三年以上十年以下有期徒刑。

第一百一十九条 【破坏交通工具罪】
【破坏交通设施罪】【破坏电力设备罪】【破坏易燃易爆设备罪】破坏交通工具、交通设施、电力设备、燃气设备、易燃易爆设备，造成严重后果的，处十年以上有期徒刑、无期徒刑或者死刑。

【过失损坏交通工具罪】【过失损坏交通设施罪】【过失损坏电力设备罪】
【过失损坏易燃易爆设备罪】过失犯前款罪的，处三年以上七年以下有期徒刑；情节较轻的，处三年以下有期徒刑或者拘役。

第一百二十条 【组织、领导、参加恐怖组织罪】组织、领导恐怖活动组织的，处十年以上有期徒刑或者无期徒刑，并处没收财产；积极参加的，处三年以上十年以下有期徒刑，并处罚金；其他参加的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利，可以并处罚金。

Whoever commits the crime as provided for in the preceding paragraph and also commits murder, explosion, kidnapping or any other crime shall be punished according to the provisions on the joinder of penalties for plural crimes.

Article 120 (I): Any individual who provides financial support to a terrorist organization or conducts terrorist activities, or provides training on terrorist activities shall be sentenced to imprisonment of not more than five years, limited incarceration, surveillance or deprivation of political rights in addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than five years in addition to a fine or forfeiture of property.

Whoever knowingly recruits, trains or transports any member workforce for any terrorist organization, for conducting any terrorist activities or for any terrorist activities shall be punished in accordance with the provisions of the preceding paragraph.

Where an entity commits a crime as provided for in the preceding two paragraphs, a fine shall be imposed on the entity, and the directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of paragraph 1.

Article 120 (II): Whoever falls under any of the following circumstances shall be sentenced to imprisonment of not more than five years, limited incarceration, surveillance or deprivation of political rights in addition to a fine; or be sentenced to imprisonment of not less than five years in addition to a fine or forfeiture of property if the circumstances are serious.

- (1) Preparing lethal weapons, hazardous articles or other tools for conducting terrorist activities.
- (2) Organizing training on terrorist activities or actively participating in training on terrorist activities.
- (3) Contacting any overseas terrorist organization or person for the purpose of conducting terrorist activities.
- (4) Making a plan or any other preparation for conducting terrorist activities.

Whoever commits any other crime while committing a crime as provided for in the preceding paragraph shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Article 120 (III): Whoever advocates terrorism or extremism or instigates terrorist activities by way of preparing or distributing any book, audio or video materials or any other article advocating terrorism or extremism or by instructing or issuing information shall be sentenced to imprisonment of not more than five years, limited incarceration, surveillance or deprivation of political rights in addition to a fine; or if the

犯前款罪并实施杀人、爆炸、绑架等犯罪的，依照数罪并罚的规定处罚。

第一百二十条 之一 【帮助恐怖活动罪】资助恐怖活动组织、实施恐怖活动的个人的，或者资助恐怖活动培训的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利，并处罚金；情节严重的，处五年以上有期徒刑，并处罚金或者没收财产。

为恐怖活动组织、实施恐怖活动或者恐怖活动培训招募、运送人员的，依照前款的规定处罚。

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

第一百二十条 之二 【准备实施恐怖活动罪】有下列情形之一的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利，并处罚金；情节严重的，处五年以上有期徒刑，并处罚金或者没收财产：

- （一）为实施恐怖活动准备凶器、危险物品或者其他工具的；
- （二）组织恐怖活动培训或者积极参加恐怖活动培训的；
- （三）为实施恐怖活动与境外恐怖活动组织或者人员联络的；
- （四）为实施恐怖活动进行策划或者其他准备的。

有前款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

第一百二十条 之三 【宣扬恐怖主义、极端主义、煽动实施恐怖活动罪】以制作、散发宣扬恐怖主义、极端主义的图书、音频视频资料或者其他物品，或者通过讲授、发布信息等方式宣扬

circumstances are serious, be sentenced to imprisonment of not less than five years in addition to a fine or forfeiture of property.

Article 120 (IV): Whoever, by using extremism, instigates or coerces the public to sabotage the implementation of the marriage, judicial, education, social management or any other system determined in national laws shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine; be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are serious; or be sentenced to imprisonment of not less than seven years in addition to a fine or forfeiture of property if the circumstances are especially serious.

Article 120 (V): Whoever forces anyone else to wear the costume or symbol that advocates terrorism or extremism in a public place by means of violence or coercion, etc. shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine.

Article 120 (VI): Whoever illegally holds any book, audio or video materials or any other article while obviously aware that it advocates terrorism or extremism shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine, or be sentenced to a fine only.

Article 121 . Whoever hijacks an airplane through violence, coercion, or other means is to be sentenced to not less than 10 years of fixed-term imprisonment or life imprisonment; or death if the hijacking causes serious injuries, death, or serious destruction of the airplane.

Article 122 . Whoever hijacks a ship or motor vehicle through violence, coercion, or other means is to be sentenced to not less than five years but not more than 10 years of fixed-termed imprisonment; or not less than 10 years of fixed-term imprisonment, of life imprisonment, if the hijacking causes serious consequences.

Article 123 . Whoever uses violence on personnel on an in-flight airplane and endangers flying safety is to be sentenced to not more than five years of fixed-termed imprisonment or limited incarceration in case no serious consequences have been caused; or not less than five years of fixed-term imprisonment if serious consequences have been caused.

恐怖主义、极端主义的，或者煽动实施恐怖活动的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利，并处罚金；情节严重的，处五年以上有期徒刑，并处罚金或者没收财产。

第一百二十条 之四 【利用极端主义破坏法律实施罪】利用极端主义煽动、胁迫群众破坏国家法律确立的婚姻、司法、教育、社会管理等制度实施的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金；情节特别严重的，处七年以上有期徒刑，并处罚金或者没收财产。

第一百二十条 之五 【强制穿戴宣扬恐怖主义、极端主义服饰、标志罪】以暴力、胁迫等方式强制他人在公共场所穿着、佩戴宣扬恐怖主义、极端主义服饰、标志的，处三年以下有期徒刑、拘役或者管制，并处罚金。

第一百二十条 之六 【非法持有宣扬恐怖主义、极端主义物品罪】明知是宣扬恐怖主义、极端主义的图书、音频视频资料或者其他物品而非法持有，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金。

第一百二十一条 【劫持航空器罪】以暴力、胁迫或者其他方法劫持航空器的，处十年以上有期徒刑或者无期徒刑；致人重伤、死亡或者使航空器遭受严重破坏的，处死刑。

第一百二十二条 【劫持船只、汽车罪】以暴力、胁迫或者其他方法劫持船只、汽车的，处五年以上十年以下有期徒刑；造成严重后果的，处十年以上有期徒刑或者无期徒刑。

第一百二十三条 【暴力危及飞行安全罪】对飞行中的航空器上的人员使用暴力，危及飞行安全，尚未造成严重后果的，处五年以下有期徒刑或者拘役；造成严重后果的，处五年以上有期徒刑。

Article 124 . Whoever sabotages radio and television broadcasting facilities, public telecommunications facilities, and endangers public safety is to be sentenced to not less than three years but not more than seven years of fixed-term imprisonment; or not less than seven years of fixed-term imprisonment if serious consequences have been caused.

Whoever commits the crime in the preceding paragraph negligently is to be sentenced to not more than seven years of fixed-term imprisonment; or not more than three years of fixed-term imprisonment or limited incarceration in case the circumstances are relatively minor.

Article 125 . Whoever illegally manufactures, trades, transports, mails, or stocks up guns, ammunition, or explosives is to be sentenced to not less than three years but not more than 10 years of fixed-term imprisonment; or not less than 10 years of imprisonment, life imprisonment, or death if the consequences are serious.

Whoever illegally manufactures, trades, transports or stores pathogens of infectious diseases, poisonous or radioactive substances or other substances, thereby endangering public security, shall be punished in accordance with the provisions in the preceding paragraph.

If a unit commits the crime in the preceding two paragraphs, the unit will be fined, and its direct person in charge and other persons in charge are to be punished according to the regulations in the first paragraph.

Article 126 . Any enterprises which are legally designated or determined to manufacture or sell guns, violate the regulations governing gun management by performing one of the following acts, the units are to be fined and personnel who are in charge and directly responsible together with other personnel who are directly responsible are to be sentenced to not more than five years of fixed-term imprisonment; when the consequences are serious, to not less than five years and not more than ten years of fixed-term imprisonment ; when the consequences are particularly serious, to not less than 10 years of fixed-term imprisonment or life imprisonment:

(1) for the purpose of illegal sale, manufacture or allocation guns whose numbers exceed quotas or whose varieties do not meet the regulations;

(2) for the purpose of illegal sale, manufacture guns without a number, or with an overlapped number, or with a fake number;

(3) illegally sell guns or sell guns manufactured for export inside the territory .

第一百二十四条

【破坏广播电视设施、公用电信设施罪】破坏广播电视设施、公用电信设施，危害公共安全的，处三年以上七年以下有期徒刑；造成严重后果的，处七年以上有期徒刑。

【过失损坏广播电视设施、公用电信设施罪】过失犯前款罪的，处三年以上七年以下有期徒刑；情节较轻的，处三年以下有期徒刑或者拘役。

第一百二十五条 【非法制造、买卖、运输、邮寄、储存枪支、弹药、爆炸物罪】非法制造、买卖、运输、邮寄、储存枪支、弹药、爆炸物的，处三年以上十年以下有期徒刑；情节严重的，处十年以上有期徒刑、无期徒刑或者死刑。

【非法制造、买卖、运输、储存危险物质罪】非法制造、买卖、运输、储存毒害性、放射性、传染病病原体等物质，危害公共安全的，依照前款的规定处罚。

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

第一百二十六条 【违规制造、销售枪支罪】依法被指定、确定的枪支制造企业、销售企业，违反枪支管理规定，有下列行为之一的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑或者无期徒刑：

（一）以非法销售为目的，超过限额或者不按照规定的品种制造、配售枪支的；

（二）以非法销售为目的，制造无号、重号、假号的枪支的；

（三）非法销售枪支或者在境内销售

Article 127 . Whoever steals or forcibly seizes any gun, ammunition or explosive, or steals or forcibly seizes pathogens of infectious diseases, poisonous or radioactive substances or other substances, thereby endangering public security, shall be sentenced to fixed-term imprisonment of no less than three years but no more than ten years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of no less than ten years, life imprisonment or death.

Whoever robs any gun, ammunition or explosive, or robs pathogens of infectious diseases, poisonous or radioactive substances or other substances, thereby endangering public security, or steals or forcibly seizes any gun, ammunition or explosive from State organs, members of the armed forces, the police or the people's militia, shall be sentenced to fixed-term imprisonment of no less than ten years, life imprisonment or death.

Article 128 . Whoever violates the regulations governing gun management by owning or unlawfully possessing, guns and ammunition is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation; when the circumstances are serious, to not less than three years and not more than seven years of fixed-term imprisonment.

Any personnel who are provided with official-use guns who illegally lease or lend the guns are to be punished in accordance with the previous paragraph.

Any personnel who are provided with official-use guns who illegally lease or lend the guns, thereby causing serious consequences are to be punished in accordance with the first paragraph.

Any units committing such crimes as stated in the second and third paragraph, are to be fined and personnel who are in charge and directly responsible are to be punished in accordance with the regulation of the first paragraph.

Article 129 . Any personnel who are provided with official-use guns who lose the guns without reporting the loss in a timely fashion, thereby causing serious consequences are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration.

Article 130 . Whoever illegally carries guns, ammunition, controlled knives and tools, articles of an explosive, combustible, radioactive, poisonous or corrosive nature into a

为出口制造的枪支的。

第一百二十七条 【盗窃、抢夺枪支、弹药、爆炸物、危险物质罪】盗窃、抢夺枪支、弹药、爆炸物的，或者盗窃、抢夺毒性、放射性、传染病病原体等物质，危害公共安全的，处三年以上十年以下有期徒刑；情节严重的，处十年以上有期徒刑、无期徒刑或者死刑。

【抢劫枪支、弹药、爆炸物、危险物质罪】【盗窃、抢夺枪支、弹药、爆炸物、危险物质罪】抢劫枪支、弹药、爆炸物的，或者抢劫毒性、放射性、传染病病原体等物质，危害公共安全的，或者盗窃、抢夺国家机关、军警人员、民兵的枪支、弹药、爆炸物的，处十年以上有期徒刑、无期徒刑或者死刑。

第一百二十八条 【非法持有、私藏枪支、弹药罪】违反枪支管理规定，非法持有、私藏枪支、弹药的，处三年以下有期徒刑、拘役或者管制；情节严重的，处三年以上七年以下有期徒刑。

【非法出租、出借枪支罪】依法配备公务用枪的人员，非法出租、出借枪支的，依照前款的规定处罚。

【非法出租、出借枪支罪】依法配置枪支的人员，非法出租、出借枪支，造成严重后果的，依照第一款的规定处罚。

单位犯第二款、第三款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

第一百二十九条 【丢失枪支不报罪】依法配备公务用枪的人员，丢失枪支不及时报告，造成严重后果的，处三年以下有期徒刑或者拘役。

第一百三十条 【非法携带枪支、弹药、管制刀具、危险物品危及公共安全罪】非法携带枪支、弹药、管制刀具、危险物品危及公共安全的，处三年以下有期徒刑、拘役或者管制。

public place or public transportation vehicle, thereby endangering public safety, is to be sentenced, when the circumstances are serious, to not more than three years of fixed-term imprisonment, limited incarceration, or probation when the circumstances are serious.

Article 131 . Any aviation personnel who violate the rules and regulations thereby causing major air accidents and serious consequences are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when causing the crash of an airplane or the death of personnel are to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment.

Article 132 . Any railway staff and workers who violate the rules and regulations thereby giving rise to accidents affecting the safety of railway operation are to be sentenced to not less than three years of fixed-term imprisonment or limited incarceration; when the consequences are particularly serious, to not less than three years and not more than seven years of fixed-term imprisonment.

Article 133 . Whoever violates traffic and transportation laws and regulations thereby giving rise to major accidents involving severe injuries, deaths, or great losses of public and private properties are to be sentenced to not more than three years of fixed-term imprisonment; when fleeing the scene after an traffic and transportation accident or under other particularly odious circumstances, to not less than three years and not more than seven years of fixed-term imprisonment; when running away causes a person's death, to not less than seven years of fixed-term imprisonment.

Article 133 (I): Whoever drives a motor vehicle on a road under any of the following circumstances shall be sentenced to limited incarceration in addition to a fine.

- (1) Racing a motor vehicle on a road with execrable circumstances.
- (2) Driving a motor vehicle on a road while intoxicated.
- (3) Engaging in the school bus business or passenger transport and carrying passengers by loading much more than the fixed number of passengers, or driving the vehicle by seriously exceeding the prescribed speed.
- (4) Transporting any hazardous chemical in violation of the provisions on the safety administration of hazardous chemicals, which endangers public safety.

The motor vehicle owner or manager who is directly liable for the conduct as mentioned in item (3) or (4) of the preceding paragraph shall be punished in accordance with the provisions of the preceding paragraph.

Whoever commits any other crime while committing a crime as mentioned in the

全罪】非法携带枪支、弹药、管制刀具或者爆炸性、易燃性、放射性、毒害性、腐蚀性物品，进入公共场所或者公共交通工具，危及公共安全，情节严重的，处三年以下有期徒刑、拘役或者管制。

第一百三十一条 【重大飞行事故罪】航空人员违反规章制度，致使发生重大飞行事故，造成严重后果的，处三年以下有期徒刑或者拘役；造成飞机坠毁或者人员死亡的，处三年以上七年以下有期徒刑。

第一百三十二条 【铁路运营安全事故罪】铁路职工违反规章制度，致使发生铁路运营安全事故，造成严重后果的，处三年以下有期徒刑或者拘役；造成特别严重后果的，处三年以上七年以下有期徒刑。

第一百三十三条 【交通肇事罪】违反交通运输管理法规，因而发生重大事故，致人重伤、死亡或者使公私财产遭受重大损失的，处三年以下有期徒刑或者拘役；交通运输肇事后逃逸或者有其他特别恶劣情节的，处三年以上七年以下有期徒刑；因逃逸致人死亡的，处七年以上有期徒刑。

第一百三十三条 之一 【危险驾驶罪】在道路上驾驶机动车，有下列情形之一的，处拘役，并处罚金：

- (一) 追逐竞驶，情节恶劣的；
- (二) 醉酒驾驶机动车的；
- (三) 从事校车业务或者旅客运输，严重超过额定乘员载客，或者严重超过规定时速行驶的；
- (四) 违反危险化学品安全管理规定运输危险化学品，危及公共安全的。

机动车所有人、管理人对前款第三项、第四项行为负有直接责任的，依照前款的规定处罚。

有前两款行为，同时构成其他犯罪的，

preceding two paragraphs shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Article 133 (II): Whoever inflicts violence on the driver of a public vehicle being driven or grabs the operating devices to try to take control of the public vehicle, disrupting the normal driving of the public vehicle and endangering public security, shall be sentenced to imprisonment of not more than one year, limited incarceration, or probation and a fine or be sentenced to a fine only.

The driver as mentioned in the preceding paragraph who leaves without permission his or her post on the public vehicle being driven and fights with or assaults another person, endangering public security, shall be punished in accordance with the provision of the preceding paragraph.

Whoever commits any conduct set forth in the preceding two paragraphs, which concurrently constitutes any other crime, shall be convicted and punished in accordance with the provisions on the heavier punishment.

Article 134 . Where anyone violates the provisions concerning the safety management in production or operations and thus causes any serious casualty or any other serious consequences, he shall be sentenced to fix-term imprisonment of not more than three years or limited incarceration. If the circumstances are extremely severe, he shall be sentenced to fix-term imprisonment of not less than 3 years but not more than 7 years.

Whoever forces by an order another person to operate at risk in violation of rules, or knowing but failing to eliminate the potential risk of a major accident, still organizes operations at risk, causing any major casualty accident or having any other serious consequence, shall be sentenced to imprisonment of not more than five years or limited incarceration; or if the circumstances are especially execrable, shall be sentenced to imprisonment of not less than five years.

Article 134 (I): Whoever falls under any of the following circumstances in violation of the provisions on safety management during production or operations, posing a real danger of causing any major casualty accident or other serious consequence, shall be sentenced to imprisonment of not more than one year, limited incarceration, or probation:

(1) Shutting down or compromising any monitoring, alarm, protection, or lifesaving equipment or facility directly related to work safety or tampering with, concealing, or destroying the relevant data or information.

(2) Whoever falls under any of the following circumstances in violation of the provisions on safety management during production or operations, posing a real danger of causing any major casualty accident or other serious consequence, shall be sentenced to imprisonment of not more than one year, limited incarceration, or

依照处罚较重的规定定罪处罚。

第一百三十三条 之二 对行驶中的公共交通工具的驾驶人员使用暴力或者抢控驾驶操纵装置，干扰公共交通工具正常行驶，危及公共安全的，处一年以下有期徒刑、拘役或者管制，并处或者单处罚金。

前款规定的驾驶人员在行驶的公共交通工具上擅离职守，与他人互殴或者殴打他人，危及公共安全的，依照前款的规定处罚。

有前两款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

第一百三十四条 【重大责任事故罪】 在生产、作业中违反有关安全管理的规定，因而发生重大伤亡事故或者造成其他严重后果的，处三年以下有期徒刑或者拘役；情节特别恶劣的，处三年以上七年以下有期徒刑。

【强令违章冒险作业罪】 强令他人违章冒险作业，或者明知存在重大事故隐患而不排除，仍冒险组织作业，因而发生重大伤亡事故或者造成其他严重后果的，处五年以下有期徒刑或者拘役；情节特别恶劣的，处五年以上有期徒刑。

第一百三十四条 之一 在生产、作业中违反有关安全管理的规定，有下列情形之一，具有发生重大伤亡事故或者其他严重后果的现实危险的，处一年以下有期徒刑、拘役或者管制：

（一）关闭、破坏直接关系生产安全的监控、报警、防护、救生设备、设施，或者篡改、隐瞒、销毁其相关数据、信息的；

（二）因存在重大事故隐患被依法责令停产停业、停止施工、停止使用有关设备、设施、场所或者立即采取排除危险的整改措施，而拒不执行的；

probation:

(3) Being engaged in highly dangerous productive or operational activities, such as mining, metal smelting, building construction, and production, distribution, and storage of dangerous articles, without approval or licensing in accordance with the law in matters involving work safety.

Article 135 . Where the facilities or conditions for safe work fail to meet the relevant provisions of the state so that any serious casualty or any other serious consequence is caused, the persons-in-charge who are held to be directly responsible and other directly liable persons shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration. If the circumstances are particularly severe, he shall be sentenced to fix-term imprisonment of not less than three years but not more than seven years.

Article 135 (I): Where, any of the provisions concerning safety management is violated in the holding of large-scale activities of the masses so that any serious casualty or any other serious consequence is caused, the persons-in-charge who are held to be directly responsible and other directly liable persons shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration. If the circumstances are particularly severe, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 136 . Whoever violates the regulations on the control of articles of an explosive; combustible, radioactive, poisonous or corrosive nature, thereby giving rise to a major accident in the course of production, storage, transportation or use and causing serious consequences, is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the consequences are particularly serious, the sentence is to be not less than three years and not more than seven years of fixed-term imprisonment.

Article 137 . When construction, design, working, and engineering supervision units violate the state's regulations by reducing the quality standard of the projects, thereby giving rise to a major safety accident, those who are directly responsible are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, in addition to fine; when the consequences are particularly serious, the sentence is to be not less than five years and not more than ten years of fixed-term imprisonment, in addition to fine.

Article 138 . When school buildings or educational and teaching facilities are obviously known to be dangerous but measures are not taken or reports are not made in a timely fashion, thereby giving rise to a major accident, those who are directly responsible are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the consequences are particularly serious,

(三) 涉及安全生产的事项未经依法批准或者许可,擅自从事矿山开采、金属冶炼、建筑施工,以及危险物品生产、经营、储存等高度危险的生产作业活动的。

第一百三十五条 【重大劳动安全事故罪】 安全生产设施或者安全生产条件不符合国家规定,因而发生重大伤亡事故或者造成其他严重后果的,对直接负责的主管人员和其他直接责任人员,处三年以下有期徒刑或者拘役;情节特别恶劣的,处三年以上七年以下有期徒刑。

第一百三十五条 之一 【大型群众性活动重大安全事故罪】 举办大型群众性活动违反安全管理规定,因而发生重大伤亡事故或者造成其他严重后果的,对直接负责的主管人员和其他直接责任人员,处三年以下有期徒刑或者拘役;情节特别恶劣的,处三年以上七年以下有期徒刑。

第一百三十六条 【危险物品肇事罪】 违反爆炸性、易燃性、放射性、毒害性、腐蚀性物品的管理规定,在生产、储存、运输、使用中发生重大事故,造成严重后果的,处三年以下有期徒刑或者拘役;后果特别严重的,处三年以上七年以下有期徒刑。

第一百三十七条 【工程重大安全事故罪】 建设单位、设计单位、施工单位、工程监理单位违反国家规定,降低工程质量标准,造成重大安全事故的,对直接责任人员,处五年以下有期徒刑或者拘役,并处罚金;后果特别严重的,处五年以上十年以下有期徒刑,并处罚金。

第一百三十八条 【教育设施重大安全事故罪】 明知校舍或者教育教学设施有危险,而不采取措施或者不及时报告,致使发生重大伤亡事故的,对直接责任人员,处三年以下有期徒刑

the sentence is to be not less than three years and not more than seven years of fixed-term imprisonment.

Article 139 . When rules of fire prevention and control are violated and the notification, given by a supervision organ of fire prevention and control, to take corrective measures are refused, thereby giving rise to severe consequences, those who are directly responsible are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the consequences are particularly serious, the sentence is to be not less than three years and not more than seven years of fixed-term imprisonment.

Article 139 (I): Where, after any safety accident occurs, the person who is obliged to report it fails to report it or makes a false report so that the rescue of the accident is affected and if the circumstances are severe, he shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration. If the circumstances are extremely severe, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Chapter III Crimes of Undermining the Order of Socialist Market Economy

Section 1 . Crimes of Manufacturing and Selling Fake and Shoddy Goods

Article 140 . Any producer or seller who mixes up or adulterates products, passes fake imitations for genuine, sells seconds at best quality price, or passes unqualified products as qualified ones, with a sale amount of not less than 50,000 yuan and not more than 200,000 yuan, is to be sentenced to not more than two years of fixed-term imprisonment or limited incarceration and may in addition or exclusively be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when the sale amount is not less than 200,000 yuan and not more than 500,000 yuan, is to be sentenced to not less than two years and not more than seven years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when the sale amount is not less than 500,000 yuan and not more than 2 million yuan, is to be sentenced to not less than seven years and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when the sale amount is not less than two million yuan, is to be sentenced to 15 years of fixed-term imprisonment or life imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount or confiscation of property.

Article 141 . Whoever produces or sells any counterfeit drug shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine; if any serious harm is thus caused to human health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than three years nor more than ten years and a fine; or if the death of a person is thus caused or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than ten years, life imprisonment, or death and a fine or forfeiture of property.

或者拘役；后果特别严重的，处三年以上七年以下有期徒刑。

第一百三十九条 【消防责任事故罪】违反消防管理法规，经消防监督机构通知采取改正措施而拒绝执行，造成严重后果的，对直接责任人员，处三年以上有期徒刑或者拘役；后果特别严重的，处三年以上七年以下有期徒刑。

第一百三十九条 之一 【不报、谎报安全事故罪】在安全事故发生后，负有报告职责的人员不报或者谎报事故情况，贻误事故抢救，情节严重的，处三年以上有期徒刑或者拘役；情节特别严重的，处三年以上七年以下有期徒刑。

第三章 破坏社会主义市场经济秩序罪

第一节 生产、销售伪劣商品罪

第一百四十条 【生产、销售伪劣产品罪】生产者、销售者在产品中掺杂、掺假，以假充真，以次充好或者以不合格产品冒充合格产品，销售金额五万元以上不满二十万元的，处二年以下有期徒刑或者拘役，并处或者单处销售金额百分之五十以上二倍以下罚金；销售金额二十万元以上不满五十万元的，处二年以上七年以下有期徒刑，并处销售金额百分之五十以上二倍以下罚金；销售金额五十万元以上不满二百万元的，处七年以上有期徒刑，并处销售金额百分之五十以上二倍以下罚金；销售金额二百万元以上的，处十五年有期徒刑或者无期徒刑，并处销售金额百分之五十以上二倍以下罚金或者没收财产。

第一百四十一条 【生产、销售假药罪】生产、销售假药的，处三年以下有期徒刑或者拘役，并处罚金；对人体健康造成严重危害或者有其他严重情节的，处三年以上十年以下有期徒刑，并处罚金；致人死亡或者有其他特别严重情节的，处十年以上有期徒刑

Where any employee of an entity using drug products knowingly provides a counterfeit drug to others for use, the employee shall be punished in accordance with the provision of the preceding paragraph.

Article 142 . Whoever produces or sells any substandard drug, causing any serious harm to human health, shall be sentenced to imprisonment of not less than three years nor more than ten years and a fine; or if the consequences are especially serious, shall be sentenced to imprisonment of not less than ten years or life imprisonment and a fine or forfeiture of property.

Where any employee of an entity using drug products knowingly provides a substandard drug to others for use, the employee shall be punished in accordance with the provision of the preceding paragraph.

Article 142 (I): Whoever falls under any of the following circumstances in violation of the legislation on drug administration, which suffices to cause any serious harm to human health, shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only; or if any serious harm is caused to human health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than three years nor more than seven years and a fine:

(1) Producing or selling any drug product prohibited by the medical products administration of the State Council from use.(1) Producing or selling any drug product prohibited by the medical products administration of the State Council from use.

(2) Producing or importing any drug product without obtaining the documents certifying the relevant approval of the drug product or knowingly selling such a drug product.

(3) Applying for drug product registration by providing any false certificate, data, material, or sample or any other deceptive means.

(4) Fabricating production or inspection records.

Whoever commits any conduct set forth in the preceding paragraph, which concurrently constitutes a crime provided for in Article 141 or 142 of this Law or any other crime, shall be convicted and punished in accordance with the provisions on the heavier punishment.

Article 143 . Whoever produces or sells food not up to the food safety standards which may cause any serious food poisoning accident or any other serious food-borne disease shall be sentenced to imprisonment of not more than 3 years or limited incarceration and a fine; if any serious damage is caused to the people's health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 3 years but

刑、无期徒刑或者死刑，并处罚金或者没收财产。

药品使用单位的人员明知是假药而提供给他人使用的，依照前款的规定处罚。

第一百四十二条 【生产、销售劣药罪】生产、销售劣药，对人体健康造成严重危害的，处三年以上十年以下有期徒刑，并处罚金；后果特别严重的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

药品使用单位的人员明知是劣药而提供给他人使用的，依照前款的规定处罚。

第一百四十二条 之一 违反药品管理法规，有下列情形之一，足以严重危害人体健康的，处三年以下有期徒刑或者拘役，并处或者单处罚金；对人体健康造成严重危害或者有其他严重情节的，处三年以上七年以下有期徒刑，并处罚金：

（一）生产、销售国务院药品监督管理部门禁止使用的药品的；

（二）未取得药品相关批准证明文件生产、进口药品或者明知是上述药品而销售的；

（三）药品申请注册中提供虚假的证明、数据、资料、样品或者采取其他欺骗手段的；

（四）编造生产、检验记录的。

有前款行为，同时又构成本法第一百四十一条、第一百四十二条规定之罪或者其他犯罪的，依照处罚较重的规定定罪处罚。

第一百四十三条 【生产、销售不符合安全标准的食品罪】生产、销售不符合食品安全标准的食品，足以造成严重食物中毒事故或者其他严重食源性疾病的，处三年以下有期徒刑或者

not more than 7 years and a fine; or if there are especially serious consequences, shall be sentenced to imprisonment of not less than 7 years or life imprisonment and a fine or forfeiture of property.

Article 144 . Whoever mixes poisonous or harmful non-food raw materials into food produced or sold or knowingly sells food mixed with poisonous or harmful non-food raw materials shall be sentenced to imprisonment of not more than 5 years and a fine; if any serious damage is caused to the people's health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 5 years but not more than 10 years and a fine; or if any human death is caused or there is any other especially serious circumstance, shall be punished according to the provisions of Article 141 of this Law.

Article 145 . Whoever produces medical apparatuses and instruments or medical hygiene materials that are not up to the national or industrial standards for safeguarding human health or sells such things while clearly knowing the fact, and if it is serious enough to endanger human health, shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration and shall also be fined not less than half but not more than two times the sales revenue; if it causes serious harm to human health, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than half but not more than two times the sales revenue; if the consequence is especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined not less than half but not more than two times the sales revenue or be sentenced to confiscation of property.

Article 146 . Whoever produces electrical appliances, pressure containers, explosive and combustible products that do not conform with the standards of the state and the trade aiming to protect the human safety and property or other products that do not conform with such standards or knowingly sells the above-mentioned products thereby giving rise to serious consequences is to be sentenced to not more than five years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when the consequences are particularly serious, the sentence is to be not less than five years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale.

拘役，并处罚金；对人体健康造成严重危害或者有其他严重情节的，处三年以上七年以下有期徒刑，并处罚金；后果特别严重的，处七年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

第一百四十四条 【生产、销售有毒、有害食品罪】在生产、销售的食品中掺入有毒、有害的非食品原料的，或者销售明知掺有有毒、有害的非食品原料的食品的，处五年以下有期徒刑，并处罚金；对人体健康造成严重危害或者有其他严重情节的，处五年以上十年以下有期徒刑，并处罚金；致人死亡或者有其他特别严重情节的，依照本法第一百四十一条的规定处罚。

第一百四十五条 【生产、销售不符合标准的医用器材罪】生产不符合保障人体健康的国家标准、行业标准的医疗器械、医用卫生材料，或者销售明知是不符合保障人体健康的国家标准、行业标准的医疗器械、医用卫生材料，足以严重危害人体健康的，处三年以下有期徒刑或者拘役，并处销售金额百分之五十以上二倍以下罚金；对人体健康造成严重危害的，处三年以上十年以下有期徒刑，并处销售金额百分之五十以上二倍以下罚金；后果特别严重的，处十年以上有期徒刑或者无期徒刑，并处销售金额百分之五十以上二倍以下罚金或者没收财产。

第一百四十六条 【生产、销售不符合安全标准的产品罪】生产不符合保障人身、财产安全的国家标准、行业标准的电器、压力容器、易燃易爆产品或者其他不符合保障人身、财产安全的国家标准、行业标准的产品，或者销售明知是以上不符合保障人身、财产安全的国家标准、行业标准的产品，造成严重后果的，处五年以下有期徒刑，并处销售金额百分之五十以上二倍以下罚金；后果特别严重的，

Article 147 . Whoever produces fake insecticides, fake animal-use medicines, fake chemical fertilizers or knowingly sells insecticides, animal-use medicines, chemical fertilizers and seeds which are fake or are no longer effective or any producer or seller who passes unqualified insecticides, animal-use medicines, chemical fertilizers and seeds as qualified ones, thereby giving rise to relatively large losses in production is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration and may in addition or exclusively be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when causing grave losses in production, is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when causing particularly grave losses in production, is to be sentenced to not less than seven years of fixed-term imprisonment or life imprisonment or confiscation of property.

Article 148 . Production of cosmetics that fails to meet hygienic standards or knowingly selling such cosmetics that cause serious consequences shall be punished with imprisonment or limited incarceration of less than three years, and a fine of over 50 percent but less than 100 percent of the sales amount.

Article 149 . The production and selling of products prescribed under Articles 141 to 148 of this Section that does not constitute an offense under these articles but with sales amount exceeding 50,000 yuan, shall be convicted and punished according to provisions under Article 140 of this Section.

The production and selling of products prescribed under Articles 141 and 148 of this Section that constitutes an offense under these articles and Article 140, shall be convicted and punished under provisions carrying a heavier penalty.

Article 150 . Units violating provisions between Articles 140 and 148 of this Section shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being punished according to provisions under the respective articles.

处五年以上有期徒刑，并处销售金额百分之五十以上二倍以下罚金。

第一百四十七条 【生产、销售伪劣农药、兽药、化肥、种子罪】生产假农药、假兽药、假化肥，销售明知是假的或者失去使用效能的农药、兽药、化肥、种子，或者生产者、销售者以不合格的农药、兽药、化肥、种子冒充合格的农药、兽药、化肥、种子，使生产遭受较大损失的，处三年以下有期徒刑或者拘役，并处或者单处销售金额百分之五十以上二倍以下罚金；使生产遭受重大损失的，处三年以上七年以下有期徒刑，并处销售金额百分之五十以上二倍以下罚金；使生产遭受特别重大损失的，处七年以上有期徒刑或者无期徒刑，并处销售金额百分之五十以上二倍以下罚金或者没收财产。

第一百四十八条 【生产、销售不符合卫生标准的化妆品罪】生产不符合卫生标准的化妆品，或者销售明知是不符合卫生标准的化妆品，造成严重后果的，处三年以下有期徒刑或者拘役，并处或者单处销售金额百分之五十以上二倍以下罚金。

第一百四十九条 【对生产、销售伪劣商品行为的法条适用】生产、销售本节第一百四十一条至第一百四十八条所列产品，不构成各该条规定的犯罪，但是销售金额在五万元以上的，依照本节第一百四十条的规定定罪处罚。

生产、销售本节第一百四十一条至第一百四十八条所列产品，构成各该条规定的犯罪，同时又构成本节第一百四十条规定之罪的，依照处罚较重的规定定罪处罚。

第一百五十条 【单位犯本节规定之罪的处理】单位犯本节第一百四十条至第一百四十八条规定之罪的，对单位判处罚金，并对其直接负责的主管

Section 2 . Smuggling Offenses

Article 151 . Whoever smuggles any weapon, ammunition, nuclear materials or counterfeit currencies shall be sentenced to imprisonment of not less than seven years in addition to a fine or forfeiture of property; if the circumstances are especially serious, be sentenced to life imprisonment and a forfeiture of property; or if the circumstances are minor, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine.

Whoever smuggles cultural relics, gold, silver or any other noble metal whose export is prohibited by the state or smuggles rare animals whose import and export are prohibited by the state or products made thereof shall be sentenced to imprisonment of not less than 5 years but not more than 10 years and a fine; if the circumstances are especially serious, shall be sentenced to imprisonment of not less than 10 years or life imprisonment and a forfeiture of property; or if the circumstances are minor, shall be sentenced to imprisonment of not more than 5 years and a fine.

Whoever smuggles rare plants or products made thereof or other goods or articles whose import and export are prohibited by the state shall be sentenced to imprisonment of not more than 5 years or limited incarceration and a fine or be sentenced to a fine only; or if the circumstances are serious, shall be sentenced to imprisonment of not less than 5 years and a fine.

Where an entity commits a crime as provided for in this Article, the entity shall be sentenced to a fine, and its directly responsible person and other directly liable persons shall be punished according to the provisions of this Article.

Article 152 . Smuggling obscene movies, video tapes, audio tapes, pictures, books and journals, and other obscene articles for profit or dissemination shall be punished with imprisonment of more than three years but less than ten years with fine; for offenses of a serious nature to over ten years of imprisonment or life imprisonment, with fine or forfeiture of property; for offenses of a less serious nature to imprisonment or limited incarceration or restraint of less than three years, and with fine.

Whoever transports overseas solid, liquid or gaseous waste into the territory of China

人员和其他直接责任人员，依照各该条的规定处罚。

第二节 走私罪

第一百五十一条 【走私武器、弹药罪】【走私核材料罪】【走私假币罪】走私武器、弹药、核材料或者伪造的货币的，处七年以上有期徒刑，并处罚金或者没收财产；情节特别严重的，处无期徒刑，并处没收财产；情节较轻的，处三年以上七年以下有期徒刑，并处罚金。

【走私文物罪】【走私贵重金属罪】【走私珍贵动物、珍贵动物制品罪】走私国家禁止出口的文物、黄金、白银和其他贵重金属或者国家禁止进出口的珍贵动物及其制品的，处五年以上十年以下有期徒刑，并处罚金；情节特别严重的，处十年以上有期徒刑或者无期徒刑，并处没收财产；情节较轻的，处五年以下有期徒刑，并处罚金。

【走私国家禁止进出口的货物、物品罪】走私珍稀植物及其制品等国家禁止进出口的其他货物、物品的，处五年以下有期徒刑或者拘役，并处或者单处罚金；情节严重的，处五年以上有期徒刑，并处罚金。

单位犯本条规定之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照本条各款的规定处罚。

第一百五十二条 【走私淫秽物品罪】以牟利或者传播为目的，走私淫秽的影片、录像带、录音带、图片、书刊或者其他淫秽物品的，处三年以上十年以下有期徒刑，并处罚金；情节严重的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产；情节较轻的，处三年以下有期徒刑、拘役或者管制，并处罚金。

【走私废物罪】逃避海关监管将境外

by evading supervision and control of the Customs shall, if the circumstance is serious enough, be sentenced to fixed-term imprisonment of not more than five years and shall also, or shall only, be fined; if the circumstance is serious, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined.

Where an entity commits any crime as mentioned in the preceding two paragraphs, it shall be fined, and the person in-charge and other persons who are held to be directly responsible shall be punished in accordance with the provisions in the preceding two paragraphs.

Article 153 . Whoever smuggles goods or articles other than those as mentioned in Articles 151, 152 and 347 shall be punished in light of the graveness of the crime according to the following provisions:

(1) Whoever smuggles goods or articles to evade a relatively large amount of tax payable, or smuggles again after having been given administrative punishment twice for smuggling within a year, shall be sentenced to imprisonment of not more than 3 years or limited incarceration and a fine of not less than the evaded amount of tax payable but not more than five times the evaded amount of tax payable.

(2) Whoever smuggles goods or articles to evade a huge amount of tax payable or with any other serious circumstance shall be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine of not less than the evaded amount of tax payable but not more than five times the evaded amount of tax payable.

(3) Whoever smuggles goods or articles to evade an especially huge amount of tax payable or with any other especially serious circumstance shall be sentenced to imprisonment of not less than 10 years or life imprisonment and a fine of not less than the evaded amount of tax payable but not more than five times the evaded amount of tax payable or a forfeiture of property.

Units committing offenses under the preceding paragraph shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being sentenced to imprisonment or limited incarceration of less than three years; and, for cases of a serious nature, to imprisonment of over three years and less than 10 years; and -- for cases of an extraordinary serious nature -- to imprisonment of over 10 years.

For smuggling cases not being detected for several occasions, fines should be based on an accumulation of all evaded taxes of such goods and articles.

Article 154 . The following smuggling cases that constitute an offense under provisions of this section shall be convicted and sentenced according to provisions under Article 153 of this law:

固体废物、液态废物和气态废物运输进境，情节严重的，处五年以下有期徒刑，并处或者单处罚金；情节特别严重的，处五年以上有期徒刑，并处罚金。

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前两款的规定处罚。

第一百五十三条 【走私普通货物、物品罪】走私本法第一百五十一条、第一百五十二条、第三百四十七条规定以外的货物、物品的，根据情节轻重，分别依照下列规定处罚：

（一）走私货物、物品偷逃应缴税额较大或者一年内曾因走私被给予二次行政处罚后又走私的，处三年以下有期徒刑或者拘役，并处偷逃应缴税额一倍以上五倍以下罚金。

（二）走私货物、物品偷逃应缴税额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处偷逃应缴税额一倍以上五倍以下罚金。

（三）走私货物、物品偷逃应缴税额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处偷逃应缴税额一倍以上五倍以下罚金或者没收财产。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役；情节严重的，处三年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑。

对多次走私未经处理的，按照累计走私货物、物品的偷逃应缴税额处罚。

第一百五十四条 【走私货物、物品罪的特殊形式】下列走私行为，根据本节规定构成犯罪的，依照本法第一百五十三条的规定定罪处罚：

(1) without the approval of the Customs and before settling defaulted taxes, sale for profit in China of bonded goods approved for import for the purposes of processing, assembly, and compensated trade, including raw and processed materials, parts, finished products, and equipment; and

(2) without the approval of the Customs and before settling defaulted taxes, sale for profits in China of goods and articles with reduced import duties or tax exemption.

Article 155 . Whoever commits any of the following acts shall be deemed as having committed the crime of smuggling and shall be punished in accordance with the relevant provisions of this Section:

(1) directly and illegally purchasing from smugglers articles the import of which is forbidden by the State; or directly and illegally purchasing from smugglers other smuggled goods and articles in relatively large quantities; or

(2) transporting, purchasing or selling in inland seas, territorial waters, boundary rivers or boundary lakes articles which are forbidden by the State from import and export; or transporting, purchasing or selling, without legal certificates and in relatively large quantities, goods or articles which are restricted by the State from import and export.

Article 156 . Whoever colludes with smugglers by supplying them with loans, funds, accounts, invoices, proofs, or such conveniences as transportation, safe-keeping, and mailing services, shall be regarded and punished as smuggling accomplices.

Article 157 . Whoever provides armed escort for smuggling shall be given a heavier penalty according to paragraph 1, Article 151 of this law.

Whoever resorts to violence and threatening measures while resisting Customs detection shall be punished for smuggling and obstructing state organ personnel from enforcing their lawful duties provided under Article 277 of this law, and shall be punished for all offenses committed.

Section 3 . Offenses Against Company and Enterprise Management Order

Article 158 . Using forged certifications to apply for company registration or using other fraudulent means to falsely declare registered capital with intent to deceive company registration departments, where the registered capital so falsely declared is large in figures with serious consequences or of a severe nature, shall be punished by imprisonment or limited incarceration of less than three years, with a fine or a

(一) 未经海关许可并且未补缴应缴税额,擅自将批准进口的来料加工、来件装配、补偿贸易的原材料、零件、制成品、设备等保税货物,在境内销售牟利的;

(二) 未经海关许可并且未补缴应缴税额,擅自将特定减税、免税进口的货物、物品,在境内销售牟利的。

第一百五十五条 【以走私罪论处的间接走私行为】下列行为,以走私罪论处,依照本节的有关规定处罚:

(一) 直接向走私人非法收购国家禁止进口物品的,或者直接向走私人非法收购走私进口的其他货物、物品,数额较大的;

(二) 在内海、领海、界河、界湖运输、收购、贩卖国家禁止进出口物品的,或者运输、收购、贩卖国家限制进出口货物、物品,数额较大,没有合法证明的。

第一百五十六条 【走私共犯】与走私罪犯通谋,为其提供贷款、资金、帐号、发票、证明,或者为其提供运输、保管、邮寄或者其他方便的,以走私罪的共犯论处。

第一百五十七条 【武装掩护走私、抗拒缉私的规定】武装掩护走私的,依照本法第一百五十一条第一款的规定从重处罚。

以暴力、威胁方法抗拒缉私的,以走私罪和本法第二百七十七条规定的阻碍国家机关工作人员依法执行职务罪,依照数罪并罚的规定处罚。

第三节 妨害对公司、企业的管理秩序罪

第一百五十八条 【虚报注册资本罪】申请公司登记使用虚假证明文件或者采取其他欺诈手段虚报注册资本,欺骗公司登记主管部门,取得公司登记,虚报注册资本数额巨大、后果严重或

separately imposed fine of over 1 percent but less than 5 percent of the falsely declared registered capital.

Units committing offenses under the preceding paragraph shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being punished with imprisonment or limited incarceration of less than three years.

Article 159 . Company promoters, shareholders who, in violation of provisions under the [Company law](#) , fail to pay up with currency notes, provide actual property, or transfer property rights; or falsely claim to have paid up the capital; or withdraw their capital upon registration of company, where the amount involved is large with serious consequences or of a serious nature, shall be punished with imprisonment or limited incarceration of less than five years, with a fine or a separately imposed fine of over 2 percent but less than 10 percent of the amount of capital so falsely claimed to have been paid up or so withdrawn.

Units committing offenses under the preceding paragraph shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being punished with imprisonment or limited incarceration of less than five years.

Article 160 . Whoever issues any shares of stock, corporate or enterprise bonds, depositary receipts, or other securities determined by the State Council in accordance with the law by concealing any material fact or falsifying any major content in the share offering prospectus, share subscription form, corporate or enterprise bond offering prospectus, or any other offering document shall, if the amount involved is huge, the consequences are serious, or there is any other serious circumstance, be sentenced to imprisonment of not more than five years or limited incarceration and a fine or be sentenced to a fine only; or if the amount involved is especially huge, the consequences are especially serious, or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than five years and a fine.

The controlling shareholder or actual controller who organizes or instigates the commission of any conduct in the preceding paragraph shall be sentenced to imprisonment of not more than five years or limited incarceration and a fine of not less than 20% nor more than one times the illegal offering proceeds or be sentenced to such a fine only; or if the amount involved is especially huge, the consequences are especially serious, or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than five years and a fine of not less than 20% nor more than one times the illegal offering proceeds.

Where an entity commits a crime provided for in the preceding two paragraphs, the

者有其他严重情节的，处三年以下有期徒刑或者拘役，并处或者单处虚报注册资本金额百分之一以上百分之五以下罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役。

第一百五十九条 【虚假出资、抽逃出资罪】公司发起人、股东违反[公司法](#)的规定未交付货币、实物或者未转移财产权，虚假出资，或者在公司成立后又抽逃其出资，数额巨大、后果严重或者有其他严重情节的，处五年以下有期徒刑或者拘役，并处或者单处虚假出资金额或者抽逃出资金额百分之二以上百分之十以下罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役。

第一百六十条 【欺诈发行股票、债券罪】在招股说明书、认股书、公司、企业债券募集办法等发行文件中隐瞒重要事实或者编造重大虚假内容，发行股票或者公司、企业债券、存托凭证或者国务院依法认定的其他证券，数额巨大、后果严重或者有其他严重情节的，处五年以下有期徒刑或者拘役，并处或者单处罚金；数额特别巨大、后果特别严重或者有其他特别严重情节的，处五年以上有期徒刑，并处罚金。

控股股东、实际控制人组织、指使实施前款行为的，处五年以下有期徒刑或者拘役，并处或者单处非法募集资金金额百分之二十以上一倍以下罚金；数额特别巨大、后果特别严重或者有其他特别严重情节的，处五年以上有期徒刑，并处非法募集资金金额百分之二十以上一倍以下罚金。

单位犯前两款罪的，对单位判处非法

entity shall be sentenced to a fine of not less than 20% nor more than one times the illegal offering proceeds, and its directly liable executive in charge and other directly liable persons shall be punished according to the provision of paragraph 1 of this article.

Article 161 . Where a company or an enterprise with information disclosure obligations in accordance with the law provides its shareholders and the public with a financial accounting report which is false or conceals any material fact, or fails to disclose according to the applicable provisions any other important information that shall be disclosed in accordance with the law, causing any seriously damage to the interests of shareholders or any other person or with any other serious circumstance, its directly liable executive in charge and other directly liable persons shall each be sentenced to imprisonment of not more than five years or limited incarceration and a fine or be sentenced to a fine only; or if the circumstances are especially serious, shall each be sentenced to imprisonment of not less than five years nor more than ten years and a fine.

The controlling shareholder or actual controller of a company or an enterprise set forth in the preceding paragraph who commits or organizes or instigates the commission of the conduct in the preceding paragraph or conceals the relevant matter, resulting in the occurrence of the circumstance set forth in the preceding paragraph, shall be punished in accordance with the provision of the preceding paragraph.

Where the controlling shareholder or actual controller committing a crime provided for in the preceding paragraph is an entity, the entity shall be sentenced to a fine, and its directly liable executive in charge and other directly liable persons shall be punished according to the provision of paragraph 1 of this article.

Article 162 . Personnel directly in charge and other directly responsible personnel of a company or an enterprise that, during its liquidation process, conceal property or make false entries in its balance sheet or asset list, or distribute company or enterprise assets before repaying debts that seriously hurt the interests of creditors and other people, shall be punished with imprisonment or limited incarceration of less than five years, with a fine or a separately imposed fine of over 20,000 yuan but less than 200,000 yuan.

Article 162 (I) Whoever conceals or deliberately destroys financial vouchers, financial account books or financial statements, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of less than five years or limited incarceration, and/or be imposed a fine not less than 20,000 yuan but not more than 200,000 yuan.

Where a unit commits the crime as mentioned in the preceding paragraph, it shall be

募集资金金额百分之二十以上一倍以下罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

第一百六十一条 【违规披露、不披露重要信息罪】依法负有信息披露义务的公司、企业向股东和社会公众提供虚假的或者隐瞒重要事实的财务会计报告，或者对依法应当披露的其他重要信息不按照规定披露，严重损害股东或者其他人员利益，或者有其他严重情节的，对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役，并处或者单处罚金；情节特别严重的，处五年以上十年以下有期徒刑，并处罚金。

前款规定的公司、企业的控股股东、实际控制人实施或者组织、指使实施前款行为的，或者隐瞒相关事项导致前款规定的情形发生的，依照前款的规定处罚。

犯前款罪的控股股东、实际控制人是单位的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

第一百六十二条 【妨害清算罪】公司、企业进行清算时，隐匿财产，对资产负债表或者财产清单作虚假记载或者在未清偿债务前分配公司、企业财产，严重损害债权人或者其他人员利益的，对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役，并处或者单处二万元以上二十万元以下罚金。

第一百六十二条 之一 【隐匿、故意销毁会计凭证、会计账簿、财务会计报告罪】隐匿或者故意销毁依法应当保存的会计凭证、会计账簿、财务会计报告，情节严重的，处五年以下有期徒刑或者拘役，并处或者单处二万元以上二十万元以下罚金。

单位犯前款罪的，对单位判处罚金，

imposed a fine, and the persons who are directly in charge or persons who are directly responsible for the offence shall be punished according to the preceding paragraph.

Article 162 (II): Where any company or enterprise transfers or disposes of its properties by means of concealing its properties or undertaking fabricated debts or by any other means or goes through false bankruptcy so that the interests of the creditors or any other person are severely injured, the persons-in-charge who are held to be directly responsible and other directly liable persons shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration, and/or shall be fined 20,000 yuan up to 200,000 yuan.

Article 163 . Where, by taking advantage of his or her position, any staff member of a company, an enterprise, or any other entity solicits or illegally accepts any money or property from any other person in order to seek benefits for such other person, the staff member shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine if the amount involved is relatively large; shall be sentenced to imprisonment of not less than three years nor more than ten years and a fine if the amount involved is huge or there is any other serious circumstance; or shall be sentenced to imprisonment of not less than ten years or life imprisonment and a fine if the amount involved is especially huge or there is any other especially serious circumstance.

Where any of the employees of any company or enterprise or any other entity violates the relevant provisions of the state by taking advantage of his position to accept kickbacks or commissions in any disguise and keeps them for himself, he shall be penalized according to the preceding paragraph.

Where anyone who is engaged in public services in any state-owned company, enterprise or any other state-owned entity or anyone is delegated by any state-owned company or enterprise or any other state-owned entity to any non-state-owned company or enterprise or any other entity to engage in public services commits any of the acts as described in either of the preceding paragraphs shall be convicted and penalized according to Articles 185 and 186 of the present Law.

Article 164 . Whoever gives any property to a staff member of a company, an enterprise or any other entity for any illicit benefit shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine if the amount of property is relatively large; or be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine if the amount of property is huge.

Whoever gives any property to a functionary of a foreign country or an official of an international public organization for any improper commercial benefit shall be

并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第一百六十二条 之二 【虚假破产罪】

公司、企业通过隐匿财产、承担虚构的债务或者以其他方法转移、处分财产，实施虚假破产，严重损害债权人或者其他利益的，对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役，并处或者单处二万元以上二十万元以下罚金。

第一百六十三条 【非国家工作人员受贿罪】

公司、企业或者其他单位的工作人员，利用职务上的便利，索取他人财物或者非法收受他人财物，为他人谋取利益，数额较大的，处三年以下有期徒刑或者拘役，并处罚金；数额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处罚金。

公司、企业或者其他单位的工作人员在经济往来中，利用职务上的便利，违反国家规定，收受各种名义的回扣、手续费，归个人所有的，依照前款的规定处罚。

国有公司、企业或者其他国有单位中从事公务的人员和国有公司、企业或者其他国有单位委派到非国有公司、企业以及其他单位从事公务的人员有前两款行为的，依照本法第三百八十五条、第三百八十六条的规定定罪处罚。

第一百六十四条 【对非国家工作人员行贿罪】

为谋取不正当利益，给予公司、企业或者其他单位的工作人员以财物，数额较大的，处三年以下有期徒刑或者拘役，并处罚金；数额巨大的，处三年以上十年以下有期徒刑，并处罚金。

【对外国公职人员、国际公共组织官员行贿罪】为谋取不正当商业利益，

punished according to the provision of the preceding paragraph.

给予外国公职人员或者国际公共组织官员以财物的，依照前款的规定处罚。

Where an entity commits a crime as provided for in the preceding two paragraphs, a fine shall be imposed on it, and its directly responsible person and other directly liable persons shall be punished according to the provision of paragraph 1 of this Article.

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

A briber who voluntarily confesses to his bribery before a criminal investigation on him is opened may be given a mitigated penalty or be exempted from penalty.

行贿人在被追诉前主动交待行贿行为的，可以减轻处罚或者免除处罚。

Article 165 . Directors and managers of state-owned companies or enterprises who, in order to gain illegal benefits, make use of their job opportunity to conduct for themselves or others business similar to that conducted by companies or enterprises to which they attach, shall, in cases involving a large amount, be punished with imprisonment or limited incarceration for less than three years, with a fine or a separately imposed fine, for cases involving extraordinarily large amounts, with imprisonment of over three years but less than seven years, and with fine.

第一百六十五条 【非法经营同类营业罪】国有公司、企业的董事、经理利用职务便利，自己经营或者为他人经营与其所任职公司、企业同类的营业，获取非法利益，数额巨大的，处三年以下有期徒刑或者拘役，并处或者单处罚金；数额特别巨大的，处三年以上七年以下有期徒刑，并处罚金。

Article 166 . Work personnel in state-owned companies, enterprises, or institutions, who use their job opportunity to commit the following acts that seriously hurt state interests, shall be punished with imprisonment or limited incarceration of less than three years, with a fine or a separately imposed fine; for cases that cause extraordinary huge losses to state interests, with imprisonment of over three years and less than seven years, and with fine:

第一百六十六条 【为亲友非法牟利罪】国有公司、企业、事业单位的工作人员，利用职务便利，有下列情形之一的，使国家利益遭受重大损失的，处三年以下有期徒刑或者拘役，并处或者单处罚金；致使国家利益遭受特别重大损失的，处三年以上七年以下有期徒刑，并处罚金：

(1) offering profitable business conducted by their own units to their relatives and friends for operation;

（一）将本单位的盈利业务交由自己的亲友进行经营的；

(2) buying merchandise from units operated and managed by their relatives and friends at a price apparently higher than market price or selling merchandise to units operated and managed by their relatives and friends at a price apparently lower than market price; or

（二）以明显高于市场的价格向自己的亲友经营管理的单位采购商品或者以明显低于市场的价格向自己的亲友经营管理的单位销售商品的；

(3) buying substandard merchandise from units operated and managed by their relatives and friends.

（三）向自己的亲友经营管理的单位采购不合格商品的。

Article 167 . People directly in charge of state-owned companies, enterprises, or institutions who are defrauded because of serious irresponsibility during the process of signing or fulfilling contracts and thus cause great damage to national interests shall be sentenced to not more than three years in prison or limited incarceration. If they cause especially serious damage to national interests, they shall be sentenced to not less than three years and not more than seven years in prison.

第一百六十七条 【签订、履行合同失职被骗罪】国有公司、企业、事业单位直接负责的主管人员，在签订、履行合同过程中，因严重不负责任被诈骗，致使国家利益遭受重大损失的，处三年以下有期徒刑或者拘役；致使国家利益遭受特别重大损失的，处三

Article 168 . Where an employee of a state-run company or enterprise is seriously irresponsible or abuses the office, causing its bankruptcy or serious losses to the state-owned company or enterprise, and causing heavy losses to the interests of the state, he shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration; where the losses to the interests of the state is extremely heavy, he shall be sentenced to fix-term imprisonment of not less than three years but not more than seven years.

Where an employee of a state-owned institution commits the crime as mentioned in the preceding paragraph, causing heavy losses to the interests of the state, he shall be punished according to the preceding paragraph.

Where an employee of a state-owned company, enterprise or institution commits the crimes as mentioned in the preceding two paragraphs out of irregularities for favoritism, he shall be given a heavier punishment according to the first paragraph of this article.

Article 169 . People directly in charge of state-owned companies or enterprises or higher competent departments who cause great damage to national interests by practicing favoritism and converting state-owned assets into low-value stocks or selling them at a low price shall be sentenced to not more than three years in prison or limited incarceration. They shall be sentenced to not less than three years and not more than seven years in prison if they cause especially serious damage to national interests.

Article 169 (I): Where any director, supervisor or senior manager of any listed company goes against his fiduciary duty to the company and takes advantage of his position to manipulate the listed company in any of the following circumstances so that the listed company suffers from any serious loss, he shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration, and/or shall be fined. If the listed company thus suffers from extremely serious losses, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and shall be fined:

(1) Providing any fund, commodity, service or any other asset gratuitously to any other entity or individual;

(2) Providing or accepting any fund, commodity, service or any other asset under obviously unfair terms;

年以上七年以下有期徒刑。

第一百六十八条 【国有公司、企业、事业单位人员失职罪】 【国有公司、企业、事业单位人员滥用职权罪】国有公司、企业的工作人员，由于严重不负责任或者滥用职权，造成国有公司、企业破产或者严重损失，致使国家利益遭受重大损失的，处三年以下有期徒刑或者拘役；致使国家利益遭受特别重大损失的，处三年以上七年以下有期徒刑。

国有事业单位的工作人员有前款行为，致使国家利益遭受重大损失的，依照前款的规定处罚。

国有公司、企业、事业单位的工作人员，徇私舞弊，犯前两款罪的，依照第一款的规定从重处罚。

第一百六十九条 【徇私舞弊低价折股、出售国有资产罪】国有公司、企业或者其上级主管部门直接负责的主管人员，徇私舞弊，将国有资产低价折股或者低价出售，致使国家利益遭受重大损失的，处三年以下有期徒刑或者拘役；致使国家利益遭受特别重大损失的，处三年以上七年以下有期徒刑。

第一百六十九条 之一 【背信损害上市公司利益罪】上市公司的董事、监事、高级管理人员违背对公司的忠实义务，利用职务便利，操纵上市公司从事下列行为之一，致使上市公司利益遭受重大损失的，处三年以下有期徒刑或者拘役，并处或者单处罚金；致使上市公司利益遭受特别重大损失的，处三年以上七年以下有期徒刑，并处罚金：

（一）无偿向其他单位或者个人提供资金、商品、服务或者其他资产的；

（二）以明显不公平的条件，提供或者接受资金、商品、服务或者其他资

(3) Providing any fund, commodity, service or any other asset to any entity or individual who obviously does not have the ability of repayment;

(4) Providing any guarantee to any entity or individual who obviously does not have the ability of repayment, or providing guarantee to any other entity or individual without justifiable reasons;

(5) Waiving any credit or undertaking any debt without justifiable reasons;

(6) Injuring the interests of the listed company by any other means. “(

Where the controlling shareholder or actual controller of a listed company instigates any of the directors, supervisors, or senior managers of the listed company to conduct any of the acts as described in the preceding paragraph, it or he shall be penalized according to the preceding paragraph.

If the controlling shareholder or actual controller of the listed company that commits the crime as described in the preceding paragraph is an entity, a fine shall be imposed upon the entity and the persons-in-charge who are held to be directly responsible and other directly liable persons shall be penalized according to the first paragraph herein.

Section 4 . The Crimes of Undermining the Order of Financial Management

Article 170 . Whoever counterfeits currencies shall be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine; or if there is any of the following circumstances, be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property:

- (1) Being a ringleader of a currency-counterfeiting ring.
- (2) The amount of counterfeit currencies is especially large.
- (3) Any other especially serious circumstance.

Article 171 . Whoever sells or buys a substantial amount of counterfeit money or transports it with the full knowledge that it is counterfeit shall be sentenced to not more than three years in prison or limited incarceration. In addition, he or she shall be fined not less than 20,000 yuan and not more than 200,000 yuan. If the amount involved is large, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan. If the amount is especially huge, he or she shall be sentenced to not less than 10 years in prison or life imprisonment. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan or have his or her property confiscated.

产的;

(三) 向明显不具有清偿能力的单位或者个人提供资金、商品、服务或者其他资产的;

(四) 为明显不具有清偿能力的单位或者个人提供担保, 或者无正当理由为其他单位或者个人提供担保的;

(五) 无正当理由放弃债权、承担债务的;

(六) 采用其他方式损害上市公司利益的。

上市公司的控股股东或者实际控制人, 指使上市公司董事、监事、高级管理人员实施前款行为的, 依照前款的规定处罚。

犯前款罪的上市公司的控股股东或者实际控制人是单位的, 对单位判处罚金, 并对其直接负责的主管人员和其他直接责任人员, 依照第一款的规定处罚。

第四节 破坏金融管理秩序罪

第一百七十条 【伪造货币罪】 伪造货币的, 处三年以上十年以下有期徒刑, 并处罚金; 有下列情形之一的, 处十年以上有期徒刑或者无期徒刑, 并处罚金或者没收财产:

- (一) 伪造货币集团的首要分子;
- (二) 伪造货币数额特别巨大的;
- (三) 有其他特别严重情节的。

第一百七十一条 【出售、购买、运输假币罪】 出售、购买伪造的货币或者明知是伪造的货币而运输, 数额较大的, 处三年以下有期徒刑或者拘役, 并处二万元以上二十万元以下罚金; 数额巨大的, 处三年以上十年以下有期徒刑, 并处五万元以上五十万元以下罚金; 数额特别巨大的, 处十年以上有期徒刑或者无期徒刑, 并处五万元以上五十万元以下罚金或者没收财

Employees of banks or other financial institutions who buy counterfeit money or take advantage of their positions to trade counterfeit money for real currency shall be sentenced to not less than three years and not more than 10 years in prison. In addition, they shall be fined not less than 20,000 yuan and not more than 200,000 yuan. If the amount involved is large or if the circumstances are serious, they shall be sentenced to not less than 10 years in prison or life imprisonment. In addition, they shall be fined not less than 20,000 yuan and not more than 200,000 yuan or have their property confiscated. If the circumstances are not so serious, they shall be sentenced to not more than three years in prison or limited incarceration.

They shall be fined, additionally or exclusively, not less than 10,000 yuan and not more than 100,000 yuan. Whoever counterfeits money and sells or transports the counterfeit money shall be convicted and given stiff punishment in accordance with the provisions in Article 170 of this law.

Article 172 . Whoever knowingly possesses or uses a substantial amount of counterfeit money shall be sentenced to not more than three years in prison or limited incarceration. He or she shall be fined, additionally or exclusively, not less than 10,000 yuan and not more than 100,000 yuan. If the amount involved is large, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 20,000 yuan and not more than 200,000 yuan. If the amount is especially large, he or she shall be sentenced to not less than 10 years in prison. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan or have his or her property confiscated.

Article 173 . Whoever alters a substantial amount of money shall be sentenced to not more than three years in prison or limited incarceration. He or she shall be fined, additionally or exclusively, not less than 10,000 yuan and not more than 100,000 yuan. If the amount is large, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 20,000 yuan and not more than 200,000 yuan.

Article 174 . Whoever establishes, without the approval of the competent authorities of the state, a commercial bank, securities exchange, futures exchange, futures brokering company, insurance company or other financial institutions, he shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration, and/or shall be imposed a fine of not less than 20,000 yuan but not more than 200,000 yuan; if the circumstances are serious, he shall be sentenced to fix-term imprisonment of not less than three years but not more than ten years, and/or shall be imposed a fine of not less than 50,000 yuan but not more than 500,000 yuan.

产。

【金融工作人员购买假币、以假币换取货币罪】银行或者其他金融机构的工作人员购买伪造的货币或者利用职务上的便利，以伪造的货币换取货币的，处三年以上十年以下有期徒刑，并处二万元以上二十万元以下罚金；数额巨大或者有其他严重情节的，处十年以上有期徒刑或者无期徒刑，并处二万元以上二十万元以下罚金或者没收财产；情节较轻的，处三年以下有期徒刑或者拘役，并处或者单处一万元以上十万元以下罚金。

伪造货币并出售或者运输伪造的货币的，依照本法第一百七十条的规定定罪从重处罚。

第一百七十二条 【持有、使用假币罪】明知是伪造的货币而持有、使用，数额较大的，处三年以下有期徒刑或者拘役，并处或者单处一万元以上十万元以下罚金；数额巨大的，处三年以上十年以下有期徒刑，并处二万元以上二十万元以下罚金；数额特别巨大的，处十年以上有期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

第一百七十三条 【变造货币罪】变造货币，数额较大的，处三年以下有期徒刑或者拘役，并处或者单处一万元以上十万元以下罚金；数额巨大的，处三年以上十年以下有期徒刑，并处二万元以上二十万元以下罚金。

第一百七十四条 【擅自设立金融机构罪】未经国家有关主管部门批准，擅自设立商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者其他金融机构的，处三年以下有期徒刑或者拘役，并处或者单处二万元以上二十万元以下罚金；情节严重的，处三年以上十年以下有期徒刑，并处五万元以上五十万元以

Whoever forges, alters or transfers the permit for operation or other documents of approval of a commercial bank, securities exchange, futures exchange, futures brokering company, insurance company or other financial institutions, he shall be punished according to the preceding paragraph.

Where a unit commits the crimes as mentioned in the preceding two paragraphs, it shall be imposed a fine, and the persons who are directly in charge or who are directly responsible for the offence shall be punished according to the first paragraph of this article.

Article 175 . Whoever illegally obtains credit funds from a financial institution and relends them to other people at a high interest rate with the aim of making a profit shall be sentenced to not more than three years in prison or limited incarceration, if the amount of illegal proceeds is substantial. In addition, he or she shall be fined a sum not less than 100 percent and not more than 500 percent as high as the amount of illegal proceeds. If the amount involved is large, he or she shall be sentenced to not less than three years and not more than seven years in prison. In addition, he or she shall be fined a sum not less than 100 percent and not more than 500 percent as high as the amount of illegal proceeds.

If the crime mentioned in the preceding paragraph is committed by a unit, the unit in question shall be fined, and the individual directly in charge of it and other people who are directly responsible shall be sentenced to not more than three years in prison or limited incarceration.

Article 175 (I): Whoever, by deceptive means, obtains a loan, the acceptance of a negotiable instrument, a letter of credit, or a letter of guarantee, among others, from a bank or any other financial institution shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only if it causes any significant loss to the bank or financial institution; or shall be sentenced to imprisonment of not less than three years nor more than seven years and a fine if it causes any especially significant loss to the bank or financial institution or there is any other especially serious circumstance.

Where any entity commits the crime as described in the preceding paragraph, it shall be fined, and the persons-in-charge who are held to be directly responsible and other directly liable persons shall be penalized according to the preceding paragraph.

Article 176 . Whoever absorbs public savings illegally or in disguise, disrupting the financial order, shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only; if the amount involved

下罚金。

【伪造、变造、转让金融机构经营许可证、批准文件罪】伪造、变造、转让商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者其他金融机构的经营许可证或者批准文件的，依照前款的规定处罚。

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

第一百七十五条 【高利转贷罪】以转贷牟利为目的，套取金融机构信贷资金高利转贷他人，违法所得数额较大的，处三年以下有期徒刑或者拘役，并处违法所得一倍以上五倍以下罚金；数额巨大的，处三年以上七年以下有期徒刑，并处违法所得一倍以上五倍以下罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役。

第一百七十五条 之一 【骗取贷款、票据承兑、金融票证罪】以欺骗手段取得银行或者其他金融机构贷款、票据承兑、信用证、保函等，给银行或者其他金融机构造成重大损失的，处三年以下有期徒刑或者拘役，并处或者单处罚金；给银行或者其他金融机构造成特别重大损失或者有其他特别严重情节的，处三年以上七年以下有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第一百七十六条 【非法吸收公众存款罪】非法吸收公众存款或者变相吸收公众存款，扰乱金融秩序的，处三

is huge or there is any other serious circumstance, shall be sentenced to imprisonment of not less than three years nor more than ten years and a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than ten years and a fine.

Where an entity commits a crime provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly liable executive in charge and other directly liable persons shall be punished in accordance with the provision of the preceding paragraph.

Whoever commits any conduct set forth in the preceding two paragraphs but voluntarily returns the illegally obtained money or makes compensation to reduce the occurrence of harmful results before being prosecuted by the state may be given a lighter or mitigated punishment.

Article 177 . Whoever forges or alters financial bills in any of the following ways shall be sentenced to not more than five years in prison or limited incarceration. He or she shall be fined, additionally or exclusively, not less than 20,000 yuan and not more than 200,000 yuan. If the circumstances are serious, he or she shall be sentenced to not less than five years and not more than 10 years in prison. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan. If the circumstances are especially serious, he or she shall be sentenced to not less than 10 years in prison or life imprisonment. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan or have his or her property confiscated:

- (1) Forging or altering bank drafts, cashier's checks, and checks;
- (2) Forging or altering documents authorizing collection of payments, remittance documents, certificates of deposit, and other account-settlement documents;
- (3) Forging or altering letters of credit or accompanying documents;
- (4) Forging credit cards.

If the crimes mentioned in the preceding paragraph are committed by a unit, the unit in question shall be fined, and the individual directly in charge of it and other people who are directly responsible shall be punished in accordance with the provisions in the preceding paragraph.

Article 177 (I) Under any of the following circumstances, anyone who disrupts the management of credit cards shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration or deprivation of political rights, and shall be concurrently or separately fined 10, 000 yuan up to 100, 000 yuan; if the sum involved

年以下有期徒刑或者拘役，并处或者单处罚金；数额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

有前两款行为，在提起公诉前积极退赃退赔，减少损害结果发生的，可以从轻或者减轻处罚。

第一百七十七条 【伪造、变造金融票证罪】有下列情形之一，伪造、变造金融票证的，处五年以下有期徒刑或者拘役，并处或者单处二万元以上二十万元以下罚金；情节严重的，处五年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；情节特别严重的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产：

- （一）伪造、变造汇票、本票、支票的；
- （二）伪造、变造委托收款凭证、汇款凭证、银行存单等其他银行结算凭证的；
- （三）伪造、变造信用证或者附随的单据、文件的；
- （四）伪造信用卡的。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第一百七十七条 之一 【妨害信用卡管理罪】有下列情形之一，妨害信用卡管理的，处三年以下有期徒刑或者拘役，并处或者单处一万元以上十万

is huge or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of 3 up to 10 years and shall be concurrently fined 20,000 yuan up to 200,000 yuan:

(1) knowingly holding or transporting a relatively large number of counterfeited credit cards or blank credit cards;

(2) unlawfully holding a relatively large number of others' credit cards;

(3) having obtained credit cards by using false identity certification;

(4) selling, selling, providing others with counterfeited credit cards or obtaining credit cards by using false identity certification.

Anyone who steals, buys or illicitly supplies information of others' credit cards shall be punished in accordance with the preceding paragraph.

Any employee of a bank or of any other financial institution who violates any of the crimes as described in the second paragraph by taking the advantage of his position shall be given a heavier punishment.

Article 178 . Whoever forges or alters treasury bonds or other negotiable securities issued by the state involving a substantial amount of money shall be sentenced to not more than three years in prison or limited incarceration. He or she shall be fined, additionally or exclusively, not less than 20,000 yuan and not more than 200,000 yuan. If the amount is large, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan. If the amount is especially large, he or she shall be sentenced to not less than 10 years in prison or life imprisonment. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan or have his or her property confiscated.

Whoever forges or alters share certificates or company and enterprise bonds involving a substantial amount of money shall be sentenced to not more than three years in prison or limited incarceration. He or she shall be fined, additionally or exclusively, not less than 10,000 yuan and not more than 100,000 yuan. If the amount is large, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 20,000 yuan and not more than 200,000 yuan.

If the crimes mentioned in the preceding two paragraphs are committed by a unit, the

元以下罚金；数量巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处二万元以上二十万元以下罚金：

（一）明知是伪造的信用卡而持有、运输的，或者明知是伪造的空白信用卡而持有、运输，数量较大的；

（二）非法持有他人信用卡，数量较大的；

（三）使用虚假的身份证明骗领信用卡的；

（四）出售、购买、为他人提供伪造的信用卡或者以虚假的身份证明骗领的信用卡的。

【窃取、收买、非法提供信用卡信息罪】窃取、收买或者非法提供他人信用卡信息资料的，依照前款规定处罚。

银行或者其他金融机构的工作人员利用职务上的便利，犯第二款罪的，从重处罚。

第一百七十八条 【伪造、变造国家有价证券罪】伪造、变造国库券或者国家发行的其他有价证券，数额较大的，处三年以下有期徒刑或者拘役，并处或者单处二万元以上二十万元以下罚金；数额巨大的，处三年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数额特别巨大的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

【伪造、变造股票、公司、企业债券罪】伪造、变造股票或者公司、企业债券，数额较大的，处三年以下有期徒刑或者拘役，并处或者单处一万元以上十万元以下罚金；数额巨大的，处三年以上十年以下有期徒刑，并处二万元以上二十万元以下罚金。

单位犯前两款罪的，对单位判处罚金，

unit in question shall be fined, and the individual directly in charge of it and other people who are directly responsible shall be punished in accordance with the provisions in the preceding two paragraphs.

Article 179 . Whoever issues shares or company and enterprise bonds involving a large amount of money without the permission of relevant state departments shall be sentenced to not more than five years in prison or limited incarceration if the consequences are serious or if the circumstances are otherwise serious. He or she shall be fined, additionally or exclusively, a sum not less than 1 percent and not more than 5 percent of the illegally raised funds.

If the crime mentioned in the preceding paragraph is committed by a unit, the unit in question shall be fined, and the individual directly in charge of it and other people who are directly responsible shall be sentenced to not more than five years in prison or limited incarceration.

Article 180 . Whoever has inside information on securities or futures transactions or illegally obtains inside information on securities or futures transactions, and prior to the release of the information that involves the issuance of securities or securities or futures transactions or other information that has a material effect on the transaction price of securities or futures, buys or sells the said securities, engages in the futures transaction related to the inside information, leaks the said information, or explicitly or implicitly advises others to engage in the aforesaid transaction activities shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than five years or limited incarceration, and/or be fined 1 to 5 times the illegal gains; or if the circumstances are extremely serious, shall be sentenced to fixed-term imprisonment not less than five years but not more than ten years, and be fined 1 to 5 times the illegal gains.

Where a unit commits the crime as mentioned in the preceding paragraph, it shall be imposed a fine, and the persons who are directly in charge or who are directly responsible for the offence shall be sentenced to fix-term imprisonment of not more than five years or limited incarceration.

The range of inside information and the insiders shall be determined in accordance with the laws and administrative regulations.

Where any practitioner of a stock exchange, a futures exchange, a securities company, a futures brokerage company, a fund management company, a commercial bank, an insurance company or any other financial institution or any staff member of the relevant regulatory department or industry association uses any undisclosed information obtained by taking advantage of his position other than the inside formation to engage in the securities or futures transaction activities related to the said

并对其直接负责的主管人员和其他直接责任人员，依照前两款的规定处罚。

第一百七十九条 【擅自发行股票、公司、企业债券罪】未经国家有关主管部门批准，擅自发行股票或者公司、企业债券，数额巨大、后果严重或者有其他严重情节的，处五年以下有期徒刑或者拘役，并处或者单处非法募集资金金额百分之一以上百分之五以下罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役。

第一百八十条 【内幕交易、泄露内幕信息罪】证券、期货交易内幕信息的知情人员或者非法获取证券、期货交易内幕信息的人员，在涉及证券的发行，证券、期货交易或者其他对证券、期货交易价格有重大影响的信息尚未公开前，买入或者卖出该证券，或者从事与该内幕信息有关的期货交易，或者泄露该信息，或者明示、暗示他人从事上述交易活动，情节严重的，处五年以下有期徒刑或者拘役，并处或者单处违法所得一倍以上五倍以下罚金；情节特别严重的，处五年以上十年以下有期徒刑，并处违法所得一倍以上五倍以下罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役。

内幕信息、知情人员的范围，依照法律、行政法规的规定确定。

【利用未公开信息交易罪】证券交易场所、期货交易所、证券公司、期货经纪公司、基金管理公司、商业银行、保险公司等金融机构的从业人员以及有关监管部门或者行业协会的工作人员，利用因职务便利获取的内幕信息

information or explicitly or implicitly advise others to engage in the relevant transaction activities in violation of the relevant provisions, and the circumstances are serious, he shall be punished under paragraph 1.

Article 181 . Whoever fabricates and spreads false information to adversely affect stock or futures exchange transactions, disrupt the stock or futures exchange market shall, if the consequences are serious, be sentenced to fixed-term imprisonment of not more than five years or limited incarceration, and/or be imposed a fine of not less than 10,000 yuan but not more than 100,000 yuan.

Any employee of a stock exchange, futures exchange, securities company or futures brokering company or any member of a securities association or futures association or department for the administration of securities or futures who deliberately provides false information or forges, alters or destroys transaction records in order to cajole investors into buying or selling securities or futures contracts and thus serious consequences have resulted, shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration, and/or shall be imposed a fine of not less than 10,000 yuan but not more than 100,000 yuan; if the circumstances are extremely serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years, and/or shall be imposed a fine of not less than 20,000 yuan but not more than 200,000 yuan.

Where a unit commits the crime as mentioned in the preceding two paragraphs, it shall be imposed a fine, and the persons who are directly in charge or who are directly responsible for the crime shall be sentenced to fix-term imprisonment of not more than five years or limited incarceration.

Article 182 . Whoever falls under any of the following circumstances to manipulate the securities or futures market, affecting securities or futures trading prices or securities or futures trading volumes shall, if the circumstances are serious, be sentenced to imprisonment of not more than five years or limited incarceration and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than five years nor more than ten years and a fine:

(1) Alone or by conspiracy, purchasing or selling securities jointly or continuously by concentrating advantages in funds or holdings of shares or positions or using advantages in information.

(2) Colluding with any other person to trade in securities or futures mutually at the time and price and in the manner as agreed upon in advance.

以外的其他未公开的信息, 违反规定, 从事与该信息相关的证券、期货交易活动, 或者明示、暗示他人从事相关交易活动, 情节严重的, 依照第一款的规定处罚。

第一百八十一条 【编造并传播证券、期货交易虚假信息罪】编造并且传播影响证券、期货交易的虚假信息, 扰乱证券、期货交易市场, 造成严重后果的, 处五年以下有期徒刑或者拘役, 并处或者单处一万元以上十万元以下罚金。

【诱骗投资者买卖证券、期货合约罪】证券交易所、期货交易所、证券公司、期货经纪公司的从业人员, 证券业协会、期货业协会或者证券期货监督管理部门的工作人员, 故意提供虚假信息或者伪造、变造、销毁交易记录, 诱骗投资者买卖证券、期货合约, 造成严重后果的, 处五年以下有期徒刑或者拘役, 并处或者单处一万元以上十万元以下罚金; 情节特别恶劣的, 处五年以上十年以下有期徒刑, 并处二万元以上二十万元以下罚金。

单位犯前两款罪的, 对单位判处罚金, 并对其直接负责的主管人员和其他直接责任人员, 处五年以下有期徒刑或者拘役。

第一百八十二条 【操纵证券、期货市场罪】有下列情形之一, 操纵证券、期货市场, 影响证券、期货交易价格或者证券、期货交易量, 情节严重的, 处五年以下有期徒刑或者拘役, 并处或者单处罚金; 情节特别严重的, 处五年以上十年以下有期徒刑, 并处罚金:

(一) 单独或者合谋, 集中资金优势、持股或者持仓优势或者利用信息优势联合或者连续买卖的;

(二) 与他人串通, 以事先约定的时间、价格和方式相互进行证券、期货交易的;

(3) Trading in securities between accounts under the person's actual control or by acting as the counterparty, purchasing from himself or herself or selling to himself or herself futures agreements.

(4) Placing and canceling buy or sell orders for securities or futures frequently or in large numbers, not for the purpose of consummation of trades.

(5) Inducing investors to trade in securities or futures by using false or uncertain material information.

(6) Providing the public with any evaluation, forecast, or investment advice on securities, securities issuers, or subject matters of futures transactions, while trading in the securities or relevant futures in the opposite direction.

(7) Otherwise manipulating the securities or futures market.

Where any entity commits the crime as described in the preceding paragraph, a fine shall be imposed upon the entity, and the persons-in-charge who are held to be directly responsible any other liable persons shall be penalized according to the preceding paragraph.

Article 183 . Personnel of insurance companies who take advantage of their office to intentionally make false claims on insured incidents which have not occurred to defraud insurance indemnity are to be sentenced and punished in accordance with the stipulations of Article 271 of this law.

Personnel of state-owned insurance companies and personnel delegated by state-owned insurance companies to perform official duties in non-state-owned insurance companies who commit an act mentioned in the preceding paragraph are to be sentenced and punished in accordance with the stipulations in Article 382 and Article 383 of this law.

Article 184 . Personnel of banks or other monetary institutions who ask others for money or goods, or illegally accept money or goods from others in activities of monetary business and seek benefits for others, or accept rebate or service charges for themselves under various pretexts in violation of state stipulations are to be sentenced and punished in accordance with the stipulations of Article 163 of this law.

Personnel of state-owned monetary institutions and personnel delegated by state-owned monetary institutions to perform official duties in non-state-owned monetary

(三) 在自己实际控制的帐户之间进行证券交易, 或者以自己为交易对象, 自买自卖期货合约的;

(四) 不以成交为目的, 频繁或者大量申报买入、卖出证券、期货合约并撤销申报的;

(五) 利用虚假或者不确定的重大信息, 诱导投资者进行证券、期货交易的;

(六) 对证券、证券发行人、期货交易标的公开作出评价、预测或者投资建议, 同时进行反向证券交易或者相关期货交易的;

(七) 以其他方法操纵证券、期货市场的。

单位犯前款罪的, 对单位判处罚金, 并对其直接负责的主管人员和其他直接责任人员, 依照前款的规定处罚。

第一百八十三条 【职务侵占罪】 保险公司的工作人员利用职务上的便利, 故意编造未曾发生的保险事故进行虚假理赔, 骗取保险金归自己所有的, 依照本法第二百七十一条的规定定罪处罚。

【贪污罪】 国有保险公司工作人员和国有保险公司委派到非国有保险公司从事公务的人员有前款行为的, 依照本法第三百八十二条、第三百八十三条的规定定罪处罚。

第一百八十四条 【非国家工作人员受贿罪】 银行或者其他金融机构的工作人员在金融业务活动中索取他人财物或者非法收受他人财物, 为他人谋取利益的, 或者违反国家规定, 收受各种名义的回扣、手续费, 归个人所有的, 依照本法第一百六十三条的规定定罪处罚。

【受贿罪】 国有金融机构工作人员和国有金融机构委派到非国有金融机构

institutions who commit an act mentioned in the preceding paragraph are to be sentenced and punished in accordance with the stipulations in Article 385 and Article 386 of this law.

Article 185 . Any employee of a commercial bank, securities exchange, futures exchange, securities company, futures brokering company, insurance company or of any other banking institution who, by taking advantage of his position, misappropriates money belonging to the unit or any client shall be convicted and punished according to Article 272 of this Law.

If any employee of a State-owned commercial bank, stock exchange, futures exchange, securities company, futures brokering company, insurance company or other banking institution or any person who is assigned by a state-owned commercial bank, stock exchange, futures exchange, securities company, futures brokering company, insurance company or other banking institution to an institution that is not owned by the state to engage in public service commits the act as mentioned in the preceding paragraph, he shall be convicted and punished according to the provisions in Article 384 of this Law.

Article 185 (I): Where any commercial bank, stock exchange, futures exchange, securities company, futures brokering company, insurance company, or any other financial institution violates its fiduciary duty, unlawfully utilizes the funds or any other entrusted property of its clients, and if the circumstances are serious, a fine shall be imposed upon the entity, and the persons-in-charge who are held to be directly responsible as well as other directly liable persons shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration, and shall be fined 30,000 yuan up to 300,000 yuan. If the circumstances are extremely serious, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years, and shall be fined 50,000 yuan up to 500,000 yuan.

Where any public fund management institution such as a social security fund management institution or housing accumulation fund management institution, or any insurance company, insurance asset management company, or securities investment fund management company violates any of the state provisions in its use of funds, the persons-in-charge who are held to be directly responsible and other directly liable persons shall be penalized according to the preceding paragraph.

Article 186 . Where any of the employees of any bank or any other financial institution grants any loan by violating the relevant provisions of the state and the sum

从事公务的人员有前款行为的，依照本法第三百八十五条、第三百八十六条的规定定罪处罚。

第一百八十五条 【挪用资金罪】 商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者其他金融机构的工作人员利用职务上的便利，挪用本单位或者客户资金的，依照本法第二百七十二条的规定定罪处罚。

【挪用公款罪】 国有商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者其他国有金融机构的工作人员和国有商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者其他国有金融机构委派到前款规定中的非国有机构从事公务的人员有前款行为的，依照本法第三百八十四条的规定定罪处罚。

第一百八十五条 之一 【背信运用受托财产罪】 商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者其他金融机构，违背受托义务，擅自运用客户资金或者其他委托、信托的财产，情节严重的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役，并处三万元以上三十万元以下罚金；情节特别严重的，处三年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金。

【违法运用资金罪】 社会保障基金管理机构、住房公积金管理机构等公众资金管理机构，以及保险公司、保险资产管理公司、证券投资基金管理公司，违反国家规定运用资金的，对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第一百八十六条 【违法发放贷款罪】 银行或者其他金融机构的工作人员违

is huge or any serious loss has resulted, he shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration, and shall be fined 10,000 yuan up to 100,000 yuan. If the sum is extremely huge or extremely serious losses have resulted, he shall be sentenced to fixed-term imprisonment of more than five years, and shall be fined 20,000 yuan up to 200,000 yuan.

Where any employee of any bank or any other financial institution violates the relevant provisions of the state to grant loans to any of his relatives, he shall be penalized according to the preceding paragraph.

Institutions that commit a crime mentioned in the preceding two paragraphs are to be sentenced to a fine, and personnel in charge directly responsible for the crime and other personnel directly responsible for the crime are to be punished in accordance with the stipulations in the preceding two paragraphs.

The scope of related people is determined in accordance with " The [Law of Commercial Banks of the People's Republic of China](#) " and other monetary laws and regulations concerned.

Article 187 . Where any employee of any bank or any other financial institution accepts the money of any client without writing it into the accounts, and if the sum is huge or if any serious loss has resulted, he shall be sentenced to fixed-term imprisonment of not more than five years, and shall be fined 20,000 yuan up to 200,000 yuan. If the sum is extremely huge or the losses are extremely serious, he shall be sentenced to fixed-term imprisonment of five years or more, and shall be fined 50,000 yuan up to 500,000 yuan.

Institutions which commit a crime mentioned in the preceding paragraph is to be sentenced to a fine, and personnel in charge directly responsible for the crime and other personnel directly responsible for the crime are to be punished in accordance with the stipulations in the preceding paragraph.

Article 188 . Where any employee of any bank or any other financial institution violates the relevant provisions when issuing any letter of credit, letter of guarantee, instrument, certificate of deposit, certification of credit, etc. to any other person, and if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration. If the circumstances are extremely severe, he shall be sentenced to fixed-term imprisonment of five years or more.

Institutions which commit a crime mentioned in the preceding paragraph are to be sentenced to a fine, and personnel in charge directly responsible for the crime, or other personnel directly responsible for the crime are to be punished in accordance with the stipulations of the preceding paragraph.

Article 189 . Personnel of banks or other monetary institutions who, in handling bills,

反国家规定发放贷款，数额巨大或者造成重大损失的，处五年以下有期徒刑或者拘役，并处一万元以上十万元以下罚金；数额特别巨大或者造成特别重大损失的，处五年以上有期徒刑，并处二万元以上二十万元以下罚金。

银行或者其他金融机构的工作人员违反国家规定，向关系人发放贷款的，依照前款的规定从重处罚。

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前两款的规定处罚。

关系人的范围，依照《[中华人民共和国商业银行法](#)》和有关金融法规确定。

第一百八十七条 【吸收客户资金不入账罪】银行或者其他金融机构的工作人员吸收客户资金不入账，数额巨大或者造成重大损失的，处五年以下有期徒刑或者拘役，并处二万元以上二十万元以下罚金；数额特别巨大或者造成特别重大损失的，处五年以上有期徒刑，并处五万元以上五十万元以下罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第一百八十八条 【违规出具金融票证罪】银行或者其他金融机构的工作人员违反规定，为他人出具信用证或者其他保函、票据、存单、资信证明，情节严重的，处五年以下有期徒刑或者拘役；情节特别严重的，处五年以上有期徒刑。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第一百八十九条 【对违法票据承兑、

accept, make payment for, or stand guarantee for, bills which are issued in violation of the [Negotiable Instruments Law](#), thus causing serious losses, are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration; when the losses are especially serious, the sentence is to be not less than five years of fixed-term imprisonment.

Institutions that commit a crime mentioned in the preceding paragraph are to be sentenced to a fine, and personnel in charge directly responsible for the crime and other personnel directly responsible for the crime are to be punished in accordance with the stipulations in the preceding paragraph.

Article 190 . Companies, enterprises or other organizations, should they, in violation of state stipulations, deposit foreign exchange outside of the country without authorization or illegally transfer foreign exchange out of the country, if the amount is relatively huge, the organization shall be imposed a fine whose amount ranges from 5% to 30% of the evaded foreign exchange amount and the directly responsible executives and other directly responsible people shall be imposed a less than five year term of imprisonment or limited incarceration. If the amount is huge or there are other serious offenses, the organization shall be imposed a fine whose amount ranges from 5% to 30% of the evaded foreign exchange amount, and the directly responsible executives and other directly responsible people shall be imposed a more than five year term of imprisonment.

Article 191 . Whoever commits any of the following conduct to cover up or conceal the origin and nature of any proceeds of a drug crime, organized crime of a gangland nature, terrorist crime, crime of smuggling, crime of corruption or bribery, crime of disrupting the order of financial administration, or crime of financial fraud as well as any gains accrued by such proceeds shall, in addition to the forfeiture of the aforesaid proceeds of crime and gains accrued by such proceeds, be sentenced to imprisonment of not more than five years or limited incarceration and a fine or be sentenced to a fine only; or if the circumstances are serious, be sentenced to imprisonment of not less than five years nor more than ten years and a fine:

- (1) Providing any account for the aforesaid funds.
- (2) Converting property into cash, negotiable instruments, or denominated securities.
- (3) Transferring funds by bank transfer or in any other manner of payment and settlement.
- (4) Transferring assets across the border.
- (5) Otherwise covering up or concealing the origin and nature of any proceeds of crime

付款、保证罪】银行或者其他金融机构的工作人员在票据业务中，对违反[票据法](#)规定的票据予以承兑、付款或者保证，造成重大损失的，处五年以下有期徒刑或者拘役；造成特别重大损失的，处五年以上有期徒刑。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第一百九十条 【逃汇罪】公司、企业或者其他单位，违反国家规定，擅自将外汇存放境外，或者将境内的外汇非法转移到境外，数额较大的，对单位判处逃汇数额百分之五以上百分之三十以下罚金，并对其直接负责的主管人员和其他直接责任人员处五年以下有期徒刑或者拘役；数额巨大或者有其他严重情节的，对单位判处逃汇数额百分之五以上百分之三十以下罚金，并对其直接负责的主管人员和其他直接责任人员处五年以上有期徒刑。

第一百九十一条 【洗钱罪】为掩饰、隐瞒毒品犯罪、黑社会性质的组织犯罪、恐怖活动犯罪、走私犯罪、贪污贿赂犯罪、破坏金融管理秩序犯罪、金融诈骗犯罪的所得及其产生的收益的来源和性质，有下列行为之一的，没收实施以上犯罪的所得及其产生的收益，处五年以下有期徒刑或者拘役，并处或者单处罚金；情节严重的，处五年以上十年以下有期徒刑，并处罚金：

- (一) 提供资金帐户的；
- (二) 将财产转换为现金、金融票据、有价证券的；
- (三) 通过转帐或者其他支付结算方式转移资金的；
- (四) 跨境转移资产的；
- (五) 以其他方法掩饰、隐瞒犯罪所得

and gains accrued by such proceeds.

Where an entity commits a crime provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly liable executive in charge and other directly liable persons shall be punished in accordance with the provision of the preceding paragraph.

Section 5 . Crimes of Financial Fraud

Article 192 . Whoever illegally raises funds by fraudulent means for the purpose of illegal possession shall, if the amount involved is relatively large, be sentenced to imprisonment of not less than three years nor more than seven years and a fine; or if the amount involved is huge or there is any other serious circumstance, be sentenced to imprisonment of not less than seven years or life imprisonment and a fine or forfeiture of property.

Where an entity commits a crime provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly liable executive in charge and other directly liable persons shall be punished in accordance with the provision of the preceding paragraph.

Article 193 . Whoever for the purpose of illegal possession commits any of the following acts to defraud the banks or other monetary institutions of loans, if the amount is quite big, is to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and a fine of not less than 20,000 yuan and not more than 200,000 yuan; when the amount is enormous or other circumstances are serious, the sentence is to be not less than five years and not more than 10 years of fixed-term imprisonment and a fine of not less than 50,000 yuan and not more than 500,000 yuan; when the amount is especially enormous or other circumstances are especially serious, the sentence is to be not less than 10 years of fixed-term imprisonment or life imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan, or confiscation of property:

- (1) cooking up false reasons for importing funds or projects;
- (2) using false economic contracts;
- (3) using false certificates;
- (4) using false property right certificates for guarantee or making duplicate guarantee exceeding the value of the mortgaged goods; and
- (5) defrauding loans by other means.

Article 194 . Whoever commits any of the following acts to carry out fraudulent activities with financial bills, if the amount is quite big, is to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and to a fine of not

得及其收益的来源和性质的。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第五节 金融诈骗罪

第一百九十二条 【集资诈骗罪】以非法占有为目的，使用诈骗方法非法集资，数额较大的，处三年以上七年以下有期徒刑，并处罚金；数额巨大或者有其他严重情节的，处七年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第一百九十三条 【贷款诈骗罪】有下列情形之一，以非法占有为目的，诈骗银行或者其他金融机构的贷款，数额较大的，处五年以下有期徒刑或者拘役，并处二万元以上二十万元以下罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产：

- (一) 编造引进资金、项目等虚假理由的；
- (二) 使用虚假的经济合同的；
- (三) 使用虚假的证明文件的；
- (四) 使用虚假的产权证明作担保或者超出抵押物价值重复担保的；
- (五) 以其他方法诈骗贷款的。

第一百九十四条 【票据诈骗罪】有下列情形之一，进行金融票据诈骗活动，数额较大的，处五年以下有期徒刑

less than 20,000 yuan and not more than 200,000 yuan; when the amount is enormous, or other circumstances are serious, the sentence is to be not less than five years and not more than 10 years of fixed-term imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan; when the amount is especially enormous or other circumstances are especially serious, the sentence is to be not less than 10 years of fixed-term imprisonment or life imprisonment and a fine of not less than 50,000 yuan and not more than 500,000 yuan, or confiscation of property:

- (1) knowingly using forged, altered drafts, cashier's checks, and checks;
- (2) knowingly using voided drafts, cashier's checks, checks;
- (3) uttering other people's drafts, cashier's checks, checks;
- (4) signing a dud check or a check with signature different from the specimen one;
- (5) issuing drafts or cashier's checks without guaranteed funds, or making false records in issuing drafts or cashier's checks to defraud money and goods.

Whoever uses forged and altered documents of authority for collection, remittance documents, bank certificates of deposit, and other bank documents of settlement is to be punished in accordance with the stipulations of the preceding paragraph.

Article 195 . Whoever uses one of the following ways for fraudulent activities with letters of credit is to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and a fine of not less than 20,000 yuan and not more than 200,000 yuan; when the amount is enormous or other circumstances are serious, the sentence is to be not less than five years and not more than 10 years of fixed-term imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan; when the amount is especially enormous or other circumstances are especially serious, the sentence is to be not less than 10 years of fixed-term imprisonment or life imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan or confiscation of property:

- (1) using forged or altered letters of credit or bills and documents attached;
- (2) using voided letters of credit;
- (3) obtaining letters of credit by fraud; and
- (4) carrying out fraudulent activities with letters of credit in other ways.

刑或者拘役，并处二万元以上二十万元以下罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产：

（一）明知是伪造、变造的汇票、本票、支票而使用的；

（二）明知是作废的汇票、本票、支票而使用的；

（三）冒用他人的汇票、本票、支票的；

（四）签发空头支票或者与其预留印鉴不符的支票，骗取财物的；

（五）汇票、本票的出票人签发无资金保证的汇票、本票或者在出票时作虚假记载，骗取财物的。

【金融凭证诈骗罪】使用伪造、变造的委托收款凭证、汇款凭证、银行存单等其他银行结算凭证的，依照前款的规定处罚。

第一百九十五条 【信用证诈骗罪】有下列情形之一，进行信用证诈骗活动的，处五年以下有期徒刑或者拘役，并处二万元以上二十万元以下罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产：

（一）使用伪造、变造的信用证或者附随的单据、文件的；

（二）使用作废的信用证的；

（三）骗取信用证的；

（四）以其他方法进行信用证诈骗活

Article 196 . Anyone who commits fraud by means of a credit card in any of the following ways shall, if the amount involved is relatively large, be sentenced to fixed-term imprisonment of not more than 5 years or limited incarceration and shall be concurrently or separately fined 20,000 yuan up to 200,000 yuan; if the sum involved is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of 5 up to 10 years and shall be concurrently fined 50,000 yuan up to 500,000 yuan; if the sum involved is extremely huge, or if there are other extremely serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall be concurrently fined 50,000 yuan up to 500,000 yuan or be sentenced to confiscation of all personal property:

- (1) using a forged credit card or using a credit card obtained by using false identity certification;
- (2) using an invalidated credit card;
- (3) illegally using another's credit card; or
- (4) overdrawing with ill intentions.

The phrase "overdrawing with ill intentions" as mentioned in the preceding paragraph means that a credit card holder who, for the purpose of illegal possession, overdraws beyond the limited amount or beyond the time limit and refuses to repay the overdrawn amount after the bank that issues the card demands him to do so.

Anyone who steals a credit card and uses it shall be convicted and punished in accordance with the provisions in Article 264 of this Law.

Article 197 . Whoever uses a relatively substantial amount of forged or altered treasury bills or other negotiable securities issued by the state to engage in fraudulent activities shall be sentenced to not more than five years of fixed-term imprisonment or limited incarceration and be fined no more than 200,000 yuan but no less than 20,000 yuan; when the amount is large and other serious circumstances are involved, the sentence shall be no more than 10 years but no less than five years of fixed-term imprisonment and a fine of no more than 500,000 yuan but no less than 50,000 yuan; and when the amount is extraordinarily large and other especially serious circumstances are involved, the sentence shall be life imprisonment or no less than 10 years of fixed-term imprisonment and a fine of no more than 500,000 yuan but no less than 50,000 yuan, or confiscation of property.

Article 198 . Fraudulent insurance activities falling under any one of the following circumstances shall, for cases involving relatively large amounts be punished with imprisonment or limited incarceration of less than five years, with a fine of over 10,000 yuan but less than 100,000 yuan; for cases involving large amounts, or of a

动的。

第一百九十六条 【信用卡诈骗罪】

有下列情形之一的，进行信用卡诈骗活动，数额较大的，处五年以下有期徒刑或者拘役，并处二万元以上二十万元以下罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产：

- （一）使用伪造的信用卡，或者使用以虚假的身份证明骗领的信用卡的；
- （二）使用作废的信用卡的；
- （三）冒用他人信用卡的；
- （四）恶意透支的。

前款所称恶意透支，是指持卡人以非法占有为目的，超过规定限额或者规定期限透支，并且经发卡银行催收后仍不归还的行为。

【盗窃罪】盗窃信用卡并使用的，依照本法第二百六十四条的规定定罪处罚。

第一百九十七条 【有价证券诈骗罪】

使用伪造、变造的国库券或者国家发行的其他有价证券，进行诈骗活动，数额较大的，处五年以下有期徒刑或者拘役，并处二万元以上二十万元以下罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

第一百九十八条 【保险诈骗罪】

有下列情形之一的，进行保险诈骗活动，数额较大的，处五年以下有期徒刑或者拘役，并处一万元以上十万元以下

serious nature, with imprisonment of over five years but less than 10 years, with a fine of over 20,000 yuan but less than 200,000 yuan; for cases involving extraordinarily large amounts, or of a serious nature, with imprisonment of over 10 years, with a fine of over 20,000 yuan but less than 200,000 yuan, or with forfeiture of property:

(1) policy holder intentionally fabricates insurance object to deceive insurance money;

(2) policy holder, the insured, or the beneficiary fabricates false causes to insurance incident or inflate the extent of loss to deceive insurance money;

(3) policy holder, the insured, or the beneficiary fabricate non-existing insurance incident to deceive insurance money;

(4) policy holder, the insured, or the beneficiary intentionally create an insurance incident with property loss to deceive insurance money; or

(5) policy holder or the beneficiary intentionally causes the death, injury, or sickness of the insured to deceive insurance money.

Acts falling under preceding Paragraphs (4) and (5) which constitute other crimes shall be punished for all offenses committed.

Units violating Paragraph (1) shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being punished with imprisonment or limited incarceration of less than five years; for cases involving large amounts, or of a serious nature, with imprisonment of over five years but less than 10 years; for cases involving extraordinarily large amounts, with imprisonment of over five years but less than 10 years; or, in cases involving an extraordinary large amount, or of a serious nature, with imprisonment of over 10 years.

Appraisers, certifiers, and property valuers, who intentionally provide false evidence to abet others to commit fraud, shall be punished as insurance fraudulence accomplices.

Article 199 Deleted according to [Amendment \(IX\) to the Criminal Law of the People's Republic of China](#)

Article 200 . Where an entity commits a crime provided for in Article 194 or 195 of this Section, the entity shall be sentenced to a fine, and its directly liable executive and other directly liable persons shall each be sentenced to imprisonment of not more than

罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处二万元以上二十万元以下罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑，并处二万元以上二十万元以下罚金或者没收财产；

（一）投保人故意虚构保险标的，骗取保险金的；

（二）投保人、被保险人或者受益人对发生的保险事故编造虚假的原因或者夸大损失的程度，骗取保险金的；

（三）投保人、被保险人或者受益人编造未曾发生的保险事故，骗取保险金的；

（四）投保人、被保险人故意造成财产损失的保险事故，骗取保险金的；

（五）投保人、受益人故意造成被保险人死亡、伤残或者疾病，骗取保险金的。

有前款第四项、第五项所列行为，同时构成其他犯罪的，依照数罪并罚的规定处罚。

单位犯第一款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑。

保险事故的鉴定人、证明人、财产评估人故意提供虚假的证明文件，为他人诈骗提供条件的，以保险诈骗的共犯论处。

第一百九十九条 （根据《[中华人民共和国刑法修正案（九）](#)》删去本条内容）

第二百条 【单位犯金融诈骗罪的处罚规定】单位犯本节第一百九十四条、第一百九十五条规定之罪的，对单位

five years or limited incarceration, and may each be sentenced to a fine; or if the amount involved is huge or there is any other serious circumstance, be sentenced to imprisonment of not less than five years nor more than ten years and a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, be sentenced to imprisonment of not less than ten years or life imprisonment and a fine.

Section 6 . Offenses Against Tax Collection and Management

Article 201 . Where any taxpayer files false tax returns by cheating or concealment or fails to file tax returns, and the amount of evaded taxes is relatively large and accounts for more than 10 percent of payable taxes, he shall be sentenced to fixed-term imprisonment not more than three years or limited incarceration, and be fined; or if the amount is huge and accounts for more than 30 percent of payable taxes, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined.

Where any withholding agent fails to pay or fails to pay in full the withheld or collected taxes by cheating or concealment, and the amount is relatively large, he shall be punished under the preceding paragraph.

Where either of the acts described in the preceding two paragraphs is committed many times without punishment, the amount shall be calculated on an accumulated basis.

Where any taxpayer who committed the act as described in paragraph 1 has made up the payable taxes and paid the late fine after the tax authority sent down the notice of tax recovery according to law, and has been administratively punished, he shall not be subject to criminal liability, except one who has been criminally punished in five years for evading tax payment or has been, twice or more, administratively punished by the tax authorities.

Article 202 . Using violence or threatening means to refuse payment of tax shall be punished with imprisonment or limited incarceration of less than three years, with a fine of over 100 percent but less than 500 percent of the amount of taxes so refused to pay; for cases of a serious nature, with imprisonment of over three years but less than seven years, with a fine of over 100 percent but less than 500 percent of the amount of taxes so refused to pay.

Article 203 . Taxpayers who fail to settle payable taxes, or transfer or conceal property resulting in tax organs being unable to recover the owed taxes of over 10,000 yuan but less than 100,000 yuan, shall be punished with imprisonment or limited incarceration of less than three years, with a fine or a separately imposed fine of over 100 percent and less than 500 percent of the unsettled amount; if the amount in question exceeds 100,000 yuan, with imprisonment of over three years but less than seven years, with a fine of over 100 percent but less than 500 percent of the unsettled amount.

判处有期徒刑，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役，可以并处罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处罚金。

第六节 危害税收征管罪

第二百零一条 【逃税罪】 纳税人采取欺骗、隐瞒手段进行虚假纳税申报或者不申报，逃避缴纳税款数额较大并且占应纳税额百分之十以上的，处三年以下有期徒刑或者拘役，并处罚金；数额巨大并且占应纳税额百分之三十以上的，处三年以上七年以下有期徒刑，并处罚金。

扣缴义务人采取前款所列手段，不缴或者少缴已扣、已收税款，数额较大的，依照前款的规定处罚。

对多次实施前两款行为，未经处理的，按照累计数额计算。

有第一款行为，经税务机关依法下达追缴通知后，补缴应纳税款，缴纳滞纳金，已受行政处罚的，不予追究刑事责任；但是，五年内因逃避缴纳税款受过刑事处罚或者被税务机关给予二次以上行政处罚的除外。

第二百零二条 【抗税罪】 以暴力、威胁方法拒不缴纳税款的，处三年以下有期徒刑或者拘役，并处拒缴税款一倍以上五倍以下罚金；情节严重的，处三年以上七年以下有期徒刑，并处拒缴税款一倍以上五倍以下罚金。

第二百零三条 【逃避追缴欠税罪】 纳税人欠缴应纳税款，采取转移或者隐匿财产的手段，致使税务机关无法追缴欠缴的税款，数额在一万元以上不满十万元的，处三年以下有期徒刑或者拘役，并处或者单处欠缴税款一倍以上五倍以下罚金；数额在十万元

Article 204 . Using false export reports or other fraudulent means to defraud state export tax refunds involving a relatively large amount shall be punished with imprisonment or limited incarceration of less than five years, with a fine of over 100 percent but less than 500 percent of the defrauded tax refund; for cases involving large amounts or of a serious nature, with imprisonment of over five years but less than 10 years, with a fine of over 100 percent but less than 500 percent of the defrauded tax refund; for cases involving extraordinarily large amounts, or of a especially serious nature with imprisonment of over 10 years or life imprisonment, with a fine of over 100 percent but less than 500 percent of the defrauded tax refund, or with forfeiture of property.

Tax payers using the fraudulent means mentioned in preceding paragraph to deceptively reclaim their paid taxes shall be convicted and punished according to provisions of Article 201, with those who deceptively claim more than what they have paid, being punished according to provisions of the preceding paragraph.

Article 205 . Falsely issuing exclusive value-added tax invoices or other invoices to defraud export tax refunds or to off set taxes shall be punished with imprisonment or limited incarceration of less than three years, with a fine of over 20,000 yuan and less than 200,000 yuan; for cases involving relatively large amounts of falsely reported taxes, or of a serious nature, with imprisonment of over three years and less than 10 years, with a fine of over 50,000 yuan but less than 500,000 yuan; for cases involving large amounts of falsely reported taxes, or of a more serious nature, with imprisonment of over 10 years or life imprisonment, with a fine of over 50,000 yuan but less than 500,000 yuan, or with forfeiture of property.

Units committing offenses under this article shall be punished with a fine, with personnel directly in charge or other directly responsible personnel being punished with imprisonment of limited incarceration of less than three years; for cases involving relatively large amounts of taxes, or with a serious nature, with imprisonment of over three years but less than ten years; for cases involving large amounts of taxes, or of a especially serious nature, with imprisonment of over 10 years or life imprisonment.

Falsely issuing exclusive value-added tax invoices or other invoices to defraud export

以上的，处三年以上七年以下有期徒刑，并处欠缴税款一倍以上五倍以下罚金。

第二百零四条 【骗取出口退税罪】

【逃税罪】以假报出口或者其他欺骗手段，骗取国家出口退税款，数额较大的，处五年以下有期徒刑或者拘役，并处骗取税款一倍以上五倍以下罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处骗取税款一倍以上五倍以下罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处骗取税款一倍以上五倍以下罚金或者没收财产。

纳税人缴纳税款后，采取前款规定的欺骗方法，骗取所缴纳的税款的，依照本法第二百零一条的规定定罪处罚；骗取税款超过所缴纳的税款部分，依照前款的规定处罚。

第二百零五条 【虚开增值税专用发票、用于骗取出口退税、抵扣税款发票罪】虚开增值税专用发票或者虚开用于骗取出口退税、抵扣税款的其他发票的，处三年以下有期徒刑或者拘役，并处二万元以上二十万元以下罚金；虚开的税款数额较大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；虚开的税款数额巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

单位犯本条规定之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役；虚开的税款数额较大或者有其他严重情节的，处三年以上十年以下有期徒刑；虚开的税款数额巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑。

虚开增值税专用发票或者虚开用于骗

tax refunds or to off set taxes refers to any false issuance intended for others or himself, or letting others falsely issue for him, or induce others to falsely issue.

Article 205 (I): Whoever falsely issues any invoice other than those as mentioned in Article 205 of this Law shall be sentenced to imprisonment of not more than 2 years, limited incarceration or probation and a fine if the circumstances are serious; or be sentenced to imprisonment of not less than 2 years but not more than 7 years and a fine if the circumstances are especially serious.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person and other directly liable persons shall be punished according to the provision of the preceding paragraph.

Article 206 . Forging or selling forged exclusive value- added tax invoices shall be punished with imprisonment or limited incarceration or restriction for less than three years, with a fine of over 20,000 yuan but less than 200,000 yuan; for cases involving relatively large quantities, or of a serious nature, with imprisonment of over three years and less than 10 years, with a fine of over 50,000 yuan but less than 500,000 yuan; for cases involving large quantities or of a especially serious nature, with imprisonment of over ten years or life imprisonment, with a fine of over 50,000 yuan but less than 500,000 yuan, or with forfeiture of property.

Units committing offenses under this article shall be punished with a fine, with personnel directly in charge or other directly responsible personnel being punished with imprisonment or limited incarceration, or restriction for less than three years; for cases involving relatively large quantities or of a serious nature, with imprisonment of over three years but less than 10 years; for cases involving large quantities or of a especially serious nature, with imprisonment of over 10 years or life imprisonment.

Article 207 . Committing illegal sale of exclusive value-added tax invoices shall be punished with imprisonment or limited incarceration, or restriction for less than three years, with a fine over 20,000 yuan but less than 200,000 yuan.; for cases involving relatively large quantities, with imprisonment over three years but less than 10 years, with a fine of over 50,000 yuan but less than 500,000 yuan; for cases involving large quantity with imprisonment of over 10 years or life imprisonment, with a fine of over 50,000 yuan but less than 500,000 yuan, or with forfeiture of property.

取出口退税、抵扣税款的其他发票，是指为他人虚开、为自己虚开、让他人為自己虚开、介绍他人虚开行为之一的。

第二百零五条 之一 【虚开发票罪】
虚开本法第二百零五条规定以外的其他发票，情节严重的，处二年以下有期徒刑、拘役或者管制，并处罚金；情节特别严重的，处二年以上七年以下有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第二百零六条 【伪造、出售伪造的增值税专用发票罪】伪造或者出售伪造的增值税专用发票的，处三年以下有期徒刑、拘役或者管制，并处二万元以上二十万元以下罚金；数量较大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数量巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

单位犯本条规定之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑、拘役或者管制；数量较大或者有其他严重情节的，处三年以上十年以下有期徒刑；数量巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑。

第二百零七条 【非法出售增值税专用发票罪】非法出售增值税专用发票的，处三年以下有期徒刑、拘役或者管制，并处二万元以上二十万元以下罚金；数量较大的，处三年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数量巨大的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

Article 208 . Illegal purchase of exclusive value-added tax invoices or forged exclusive value-added tax invoices shall be punished with imprisonment or limited incarceration of less than five years, with a fine or a separately imposed fine of over 20,000 yuan and less than 200,000 yuan.

Falsely issuing or reselling illegally purchased exclusive value-added tax invoices or forged exclusive value-added tax invoices shall be convicted and punished respectively under Articles 205, 206, and 207 of this law.

Article 209 . Forging or manufacturing without authority or selling or manufacturing without authority other invoices usable for defrauding export tax refunds or offsetting taxes shall be punished with imprisonment or limited incarceration and restriction for less than three years, with a fine of over 20,000 yuan but less than 200,000 yuan; for cases involving large quantities, with imprisonment of over three years but less than seven years, with a fine of over 50,000 yuan but less than 500,000 yuan; for cases involving extraordinarily large quantities, with imprisonment of over seven years, with a fine of over 50,000 yuan but less than 500,000 yuan, or with forfeiture of property.

Forging or manufacturing without authority or selling other invoices manufactured without authority, which have not been mentioned in the preceding paragraph, shall be punished with imprisonment or limited incarceration of, or restriction for less than two years, with a fine of over 10,000 yuan but less than 50,000 yuan; for cases of a serious nature, with imprisonment of over two years and less than seven years, with a fine of over 50,000 yuan and less than 500,000 yuan.

Illegal sale of other invoices usable for defrauding export tax refunds or offsetting taxes shall be punished according to the first paragraph.

Illegal sale of other invoices not mentioned in the third paragraph shall be punished according to the second paragraph.

Article 210 . Theft of exclusive value-added tax invoices or other invoices usable in

第二百零八条

【非法购买增值税专用发票、购买伪造的增值税专用发票罪】非法购买增值税专用发票或者购买伪造的增值税专用发票的，处五年以下有期徒刑或者拘役，并处或者单处二万元以上二十万元以下罚金。

【虚开增值税专用发票罪，出售伪造的增值税专用发票罪，非法出售增值税专用发票罪】非法购买增值税专用发票或者购买伪造的增值税专用发票又虚开或者出售的，分别依照本法第二百零五条、第二百零六条、第二百零七条的规定定罪处罚。

第二百零九条 【非法制造、出售非法制造的用于骗取出口退税、抵扣税款发票罪】伪造、擅自制造或者出售伪造、擅自制造的可以用于骗取出口退税、抵扣税款的其他发票的，处三年以下有期徒刑、拘役或者管制，并处二万元以上二十万元以下罚金；数量巨大的，处三年以上七年以下有期徒刑，并处五万元以上五十万元以下罚金；数量特别巨大的，处七年以上有期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

【非法制造、出售非法制造的发票罪】伪造、擅自制造或者出售伪造、擅自制造的前款规定以外的其他发票的，处二年以下有期徒刑、拘役或者管制，并处或者单处一万元以上五万元以下罚金；情节严重的，处二年以上七年以下有期徒刑，并处五万元以上五十万元以下罚金。

【非法出售用于骗取出口退税、抵扣税款发票罪】非法出售可以用于骗取出口退税、抵扣税款的其他发票的，依照第一款的规定处罚。

【非法出售发票罪】非法出售第三款规定以外的其他发票的，依照第二款的规定处罚。

第二百一十条 【盗窃罪】盗窃增值

defrauding export tax refunds or offsetting taxes, shall be convicted and punished according to Article 264 of this law.

Obtaining by fraudulent means exclusive value-added tax invoices or other invoices usable in defrauding export tax refunds or offsetting taxes shall be convicted and punished according to Article 266 of this law.

Article 210 (I): Whoever knowingly holds counterfeit invoices shall be sentenced to imprisonment of not more than 2 years, limited incarceration or probation and a fine if the quantity is relatively large; or be sentenced to imprisonment of not less than 2 years but not more than 7 years and a fine if the quantity is huge.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person and other directly liable persons shall be punished according to the provision of the preceding paragraph.

Article 211 . Units committing offenses under Articles 201, 203, 204, 207, 208, and 209 of this section shall be punished with fines, with personnel directly in charge and other directly responsible personnel being punished according to these articles, respectively.

Article 212 Fines and forfeitures of property imposed against offenders convicted under Articles 201 through 205 of this section should not be enforced until the tax authorities have recovered the taxes in question and the export tax refunds so defrauded.

Section 7 . Infringement of Intellectual Property Rights

Article 213 . Whoever, without the permission of the owner of a registered trademark, uses a trademark identical with the registered trademark on the same kind of goods or services shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than three years nor more than ten years and a fine.

Article 214 . Whoever knowingly sells goods on which a false registered trademark is used shall, if the amount of illegal income is relatively large or there is any other serious circumstance, be sentenced to imprisonment of not more than three years and a fine or be sentenced to a fine only; or if the amount of illegal income is huge or there is

税专用发票或者可以用于骗取出口退税、抵扣税款的其他发票的,依照本法第二百六十四条的规定定罪处罚。

【诈骗罪】使用欺骗手段骗取增值税专用发票或者可以用于骗取出口退税、抵扣税款的其他发票的,依照本法第二百六十六条的规定定罪处罚。

第二百一十条 之一 【持有伪造的发票罪】明知是伪造的发票而持有,数量较大的,处二以下有期徒刑、拘役或者管制,并处罚金;数量巨大的,处二年以上七年以下有期徒刑,并处罚金。

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。

第二百一十一条 【单位犯危害税收征管罪的处罚规定】单位犯本节第二百零一条、第二百零三条、第二百零四条、第二百零七条、第二百零八条、第二百零九条规定之罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照各该条的规定处罚。

第二百一十二条 【税收征缴优先原则】犯本节第二百零一条至第二百零五条规定之罪,被处罚金、没收财产的,在执行前,应当先由税务机关追缴税款和所骗取的出口退税款。

第七节 侵犯知识产权罪

第二百一十三条 【假冒注册商标罪】未经注册商标所有人许可,在同一种商品、服务上使用与其注册商标相同的商标,情节严重的,处三年以下有期徒刑,并处或者单处罚金;情节特别严重的,处三年以上十年以下有期徒刑,并处罚金。

第二百一十四条 【销售假冒注册商标的商品罪】销售明知是假冒注册商标的商品,违法所得数额较大或者有其他严重情节的,处三年以下有期徒刑

any other especially serious circumstance, be sentenced to imprisonment of not less than three years nor more than ten years and a fine.

Article 215 . Whoever forges or produces without permission the labels of another person's registered trademark or sells the labels of a registered trademark that are forged or produced without permission shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than three years nor more than ten years and a fine.

Article 216 . Whoever counterfeits other people's patents, and when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, and may in addition or exclusively be sentenced to a fine.

Article 217 . Whoever falls under any of the following circumstances to, for profits, infringe upon any copyright or any right related to copyright shall, if the amount of illegal income is relatively large or there is any other serious circumstance, be sentenced to imprisonment of not more than three years and a fine or be sentenced to a fine only; or if the amount of illegal income is huge or there is any other especially serious circumstance, be sentenced to imprisonment of not less than three years nor more than ten years and a fine:

(1) Reproducing and distributing or communicating to the public through an information network any written work, musical work, work of fine arts, audiovisual work, computer software, or other work set out by a law or administrative regulation without the permission of its copyright owner.

(2) Publishing any book of which another person has the exclusive right of publication.

(3) Reproducing and distributing or communicating to the public through an information network any audio or video recording without the permission of its producer.

(4) Reproducing and distributing any audio or video recording of, or communicating to the public through an information network, any performance without the permission of its performer.

(5) Producing or selling any work of fine arts on which the signature of author is fake.

(6) Intentionally evading or disrupting the technical measures taken by a copyright

刑，并处或者单处罚金；违法所得数额巨大或者有其他特别严重情节的，处三年以上十年以下有期徒刑，并处罚金。

第二百一十五条 【非法制造、销售非法制造的注册商标标识罪】 伪造、擅自制造他人注册商标标识或者销售伪造、擅自制造的注册商标标识，情节严重的，处三年以下有期徒刑，并处或者单处罚金；情节特别严重的，处三年以上十年以下有期徒刑，并处罚金。

第二百一十六条 【假冒专利罪】 假冒他人专利，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

第二百一十七条 【侵犯著作权罪】 以营利为目的，有下列侵犯著作权或者与著作权有关的权利的情形之一，违法所得数额较大或者有其他严重情节的，处三年以下有期徒刑，并处或者单处罚金；违法所得数额巨大或者有其他特别严重情节的，处三年以上十年以下有期徒刑，并处罚金：

（一）未经著作权人许可，复制发行、通过信息网络向公众传播其文字作品、音乐、美术、视听作品、计算机软件及法律、行政法规规定的其他作品的；

（二）出版他人享有专有出版权的图书的；

（三）未经录音录像制作者许可，复制发行、通过信息网络向公众传播其制作的录音录像的；

（四）未经表演者许可，复制发行录有其表演的录音录像制品，或者通过信息网络向公众传播其表演的；

（五）制作、出售假冒他人署名的美术作品的；

（六）未经著作权人或者与著作权有

owner or the holder of a right related to the copyright to protect the copyright or right related to the copyright in a work or audio or video recording, among others, without the permission of the copyright owner or right holder.

Article 218 . Whoever, for profits, knowingly sells any infringing reproductions set forth in Article 217 of this Law shall, if the amount of illegal income is huge or there is any other especially serious circumstance, be sentenced to imprisonment of not more than five years and a fine or be sentenced to a fine only.

Article 219 . Whoever commits any of the following conduct to infringe upon a trade secret shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than three years nor more ten years and a fine:

(1) Obtaining a right holder's trade secret by theft, bribery, fraud, coercion, electronic intrusion, or any other illicit means.

(2) Disclosing, using, or allowing any other person to use a trade secret obtained from a right holder by any means as mentioned in the preceding paragraph.

(3) Disclosing, using, or allowing any other person to use a trade secret known by him or her in violation of confidentiality obligations or the right holder's requirements for keeping the trade secret confidential.

Whoever knows any conduct set forth in the preceding paragraph but still acquires, discloses, uses, or allows any other person to use the trade secret shall be punished for infringing upon the trade secret.

For the purposes of this article, 'right holder' means the owner of a trade secret and any person permitted by the owner to use the trade secret.

Article 219 (1): Whoever steals, pries into, buys, or illegally provides any trade secret for any overseas institution, organization, or individual shall be sentenced to imprisonment of not more than five years and a fine or be sentenced to a fine only; or if the circumstances are serious, be sentenced to imprisonment of not less than five years and a fine.

Article 220 . Where an entity commits a crime provided for in Article 213 through Article 219A of this Section, the entity shall be sentenced to a fine, and its directly liable executive in charge and other directly liable persons shall be punished in

关的权利人许可，故意避开或者破坏权利人为其作品、录音录像制品等采取的保护著作权或者与著作权有关的权利的技术措施的。

第二百一十八条 【销售侵权复制品罪】以营利为目的，销售明知是本法第二百一十七条规定的侵权复制品，违法所得数额巨大或者有其他严重情节的，处五年以下有期徒刑，并处或者单处罚金。

第二百一十九条 【侵犯商业秘密罪】有下列侵犯商业秘密行为之一，情节严重的，处三年以下有期徒刑，并处或者单处罚金；情节特别严重的，处三年以上十年以下有期徒刑，并处罚金：

（一）以盗窃、贿赂、欺诈、胁迫、电子侵入或者其他不正当手段获取权利人的商业秘密的；

（二）披露、使用或者允许他人使用以前项手段获取的权利人的商业秘密的；

（三）违反保密义务或者违反权利人有关保守商业秘密的要求，披露、使用或者允许他人使用其所掌握的商业秘密的。

明知前款所列行为，获取、披露、使用或者允许他人使用该商业秘密的，以侵犯商业秘密论。

本条所称权利人，是指商业秘密的所有人和经商业秘密所有人许可的商业秘密使用人。

第二百一十九条 之一 为境外的机构、组织、人员窃取、刺探、收买、非法提供商业秘密的，处五年以下有期徒刑，并处或者单处罚金；情节严重的，处五年以上有期徒刑，并处罚金。

第二百二十条 【单位犯侵犯知识产权罪的处罚规定】单位犯本节第二百一十三条至第二百一十九条之一规定

accordance with the provisions of the aforesaid articles of this Section respectively.

Section 8 . Crimes of Disrupting Market Order

Article 221 . Whoever fabricates and spreads falsified information to impair other people's commercial reputation and commodity reputation, and causes significant losses to others or if there are other serious circumstances, is to be sentenced to not more than two years of fixed-term imprisonment, limited incarceration, and may in addition or exclusively be sentenced to a fine.

Article 222 . Where, in violation of the state regulations, an advertisement owner, advertising agency, or advertisement carrier gives false publicity by taking the advantage of advertising a commodity or service, and when the circumstances are serious, he shall be sentenced to not more than two years of fixed-term imprisonment, limited incarceration, and may in addition or exclusively be sentenced to a fine.

Article 223 . Where bidders submit tenders in collusion and harm the interests of persons inviting tenders or other bidders, and when the circumstances are serious, they shall be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, and may in addition or exclusively be sentenced to a fine.

Where bidders and persons inviting tenders harm the legitimate interests of the state, collectives, and the public by colluding in the bidding, they are to be punished in accordance with the stipulations stated in the preceding paragraph.

Article 224 . Whoever, for the purpose of illegal possession, uses one of the following means during signing or executing a contract to obtain property and goods of the opposite party by fraud, and when the amount of money is relatively large, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, and may in addition or exclusively be sentenced to a fine; or be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment and a fine, if the amount of money is huge or there are other serious circumstances; or be sentenced to more than 10 years of fixed-term imprisonment or life imprisonment and a fine or confiscation of property, if the amount of money is particularly huge or there are other particularly serious circumstances:

- (1) sign a contract in the name of a made-up unit or under somebody else's name;
- (2) use forged, altered, or invalid negotiable instruments or other false certificates of property rights as guaranties;
- (3) fulfill small-amount contracts or partially fulfill the contract, instead of actually

之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照本节各该条的规定处罚。

第八节 扰乱市场秩序罪

第二百二十一条 【损害商业信誉、商品声誉罪】捏造并散布虚伪事实，损害他人的商业信誉、商品声誉，给他人造成重大损失或者有其他严重情节的，处二年以下有期徒刑或者拘役，并处或者单处罚金。

第二百二十二条 【虚假广告罪】广告主、广告经营者、广告发布者违反国家规定，利用广告对商品或者服务作虚假宣传，情节严重的，处二年以下有期徒刑或者拘役，并处或者单处罚金。

第二百二十三条 【串通投标罪】投标人相互串通投标报价，损害招标人或者其他投标人利益，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

投标人与招标人串通投标，损害国家、集体、公民的合法利益的，依照前款的规定处罚。

第二百二十四条 【合同诈骗罪】有下列情形之一，以非法占有为目的，在签订、履行合同过程中，骗取对方当事人财物，数额较大的，处三年以下有期徒刑或者拘役，并处或者单处罚金；数额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产：

（一）以虚构的单位或者冒用他人名义签订合同的；

（二）以伪造、变造、作废的票据或者其他虚假的产权证明作担保的；

（三）没有实际履行能力，以先履行

fulfilling the contract, to inveigle the opposite party into continuing to sign and fulfill the contract;

(4) go into hiding after receiving goods, payment, advance payment, or property as guaranty from the opposite party;

(5) defraud the opposite party's property through other means.

Article 224 (I): Whoever organizes or leads the pyramid selling activities to cheat the participants of property and disturb the economic and social order, in which, in the name of marketing commodities, providing services or any other business operation, the participants are required to obtain the qualification for participation by paying fees, purchasing commodities or services or any other means, the participants are classified into different levels according to a certain order, the calculation of remunerations or kickbacks to participants is directly or indirectly dependent on the number of persons recruited, and the participants are induced to continue or coerced into continuing recruiting others to participate, shall be sentenced to fixed-term imprisonment not more than five years or limited incarceration, and be fined; or if the circumstances are serious, shall be sentenced to fixed-term imprisonment not less than five years, and be fined.

Article 225 . Whoever, in violation of the state stipulations, has one of the following illegal business acts, which disrupts the market order and when the circumstances are serious, is to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, and may in addition or exclusively be sentenced to a fine not less than 100 percent and not more than 500 percent of his illegal income and, where the circumstances are particularly serious, be sentenced to not less than five years of fixed-term imprisonment and a fine not less than 100 percent and not more than 500 percent of his illegal income or the confiscation of his property:

(1) engage in the monopoly business or monopolized commodities stipulated in laws and administrative regulations, or other commodities whose purchase and sale are controlled, without permission;

(2) purchase and sell import-export licenses, certificates of origin, and operation permits or approved documents stipulated by other laws and administrative regulations;

(3) illegally operating the business of securities, futures or insurance, or illegally engaging in fund payment and settlement business, without the approval of the relevant competent departments of the state;

(4) conduct other illegal business activities that seriously disrupt the market order.

Article 226 . Whoever commits any of the following acts by violence or threat shall be

小额合同或者部分履行合同的方法，诱骗对方当事人继续签订和履行合同的；

（四）收受对方当事人给付的货物、货款、预付款或者担保财产后逃匿的；

（五）以其他方法骗取对方当事人财物的。

第二百二十四条 之一 【组织、领导传销活动罪】组织、领导以推销商品、提供服务等经营活动为名，要求参加者以缴纳费用或者购买商品、服务等方式获得加入资格，并按照一定顺序组成层级，直接或者间接以发展人员的数量作为计酬或者返利依据，引诱、胁迫参加者继续发展他人参加，骗取财物，扰乱经济社会秩序的传销活动的，处五年以下有期徒刑或者拘役，并处罚金；情节严重的，处五年以上有期徒刑，并处罚金。

第二百二十五条 【非法经营罪】违反国家规定，有下列非法经营行为之一，扰乱市场秩序，情节严重的，处五年以下有期徒刑或者拘役，并处或者单处违法所得一倍以上五倍以下罚金；情节特别严重的，处五年以上有期徒刑，并处违法所得一倍以上五倍以下罚金或者没收财产：

（一）未经许可经营法律、行政法规规定的专营、专卖物品或者其他限制买卖的物品的；

（二）买卖进出口许可证、进出口原产地证明以及其他法律、行政法规规定的经营许可证或者批准文件的；

（三）未经国家有关主管部门批准非法经营证券、期货、保险业务的，或者非法从事资金支付结算业务的；

（四）其他严重扰乱市场秩序的非法经营行为。

第二百二十六条 【强迫交易罪】以

sentenced to imprisonment of not more than 3 years or limited incarceration and/or a fine if the circumstances are serious; or be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine if the circumstances are especially serious:

(1) Forcing any other person to purchase or sell commodities;

(2) Forcing any other person to provide or accept services;

(3) Forcing any other person to participate in or withdraw from a bidding or audition;

(4) Forcing any other person to transfer or acquire stocks or bonds of a corporation or enterprise or any other asset; or

(5) Forcing any other person to participate in or withdraw from a certain business operation.

Article 227 . Whoever forges or profiteers from forged train and ship tickets, stamps, or other valuable coupons, which involve a relatively large amount of money, is to be sentenced to not more than two years of fixed-term imprisonment, limited incarceration or probation, and may in addition or exclusively be sentenced to a fine not less than 100 percent and not more than 500 percent of the amount of the coupons; or, if a huge amount is involved, to not less than two years and not more than seven years of fixed-term imprisonment and a fine not less than 100 percent and not more than 500 percent of the amount of the coupons.

Whoever profiteers from train and ship tickets, when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration or probation, and may in addition or exclusively be sentenced to a fine of not less than 100 percent and not more than 500 percent of the amount of the coupons.

Article 228 . Whoever, for the purpose of seeking personal gain, violates the laws and regulations on land management by illegally transferring and profiteering from land use rights and when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or may in addition or exclusively be sentenced to a fine of not less than five percent and not more than 20 percent of the money gained from illegally transferring or profiteering from land use rights or, when the circumstances are particularly serious, is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment and a fine of not less than five percent and not more than 20 percent of the money gained from illegally transferring or profiteering from land use rights.

Article 229 . Where any employee of an intermediary organization assuming asset appraisal, capital verification, validation, accounting, auditing, legal service,

暴力、威胁手段，实施下列行为之一，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金：

（一）强买强卖商品的；

（二）强迫他人提供或者接受服务的；

（三）强迫他人参与或者退出投标、拍卖的；

（四）强迫他人转让或者收购公司、企业的股份、债券或者其他资产的；

（五）强迫他人参与或者退出特定的经营活动的。

第二百二十七条 【伪造、倒卖伪造的有价票证罪】 伪造或者倒卖伪造的车票、船票、邮票或者其他有价票证，数额较大的，处二年以下有期徒刑、拘役或者管制，并处或者单处票证价额一倍以上五倍以下罚金；数额巨大的，处二年以上七年以下有期徒刑，并处票证价额一倍以上五倍以下罚金。

【倒卖车票、船票罪】 倒卖车票、船票，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处票证价额一倍以上五倍以下罚金。

第二百二十八条 【非法转让、倒卖土地使用权罪】 以牟利为目的，违反土地管理法规，非法转让、倒卖土地使用权，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处非法转让、倒卖土地使用权价额百分之五以上百分之二十以下罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处非法转让、倒卖土地使用权价额百分之五以上百分之二十以下罚金。

第二百二十九条 【提供虚假证明文件罪】 承担资产评估、验资、验证、

sponsorship, security evaluation, environmental impact assessment, environmental monitoring, or any other duty intentionally provides any supporting document that is false, the employee shall be sentenced to imprisonment of not more than five years or limited incarceration and a fine if the circumstances are serious; or under any of the following circumstances, the employee shall be sentenced to imprisonment of not less than five years nor more than ten years and a fine:

(1) Providing any false supporting document on asset appraisal, accounting, auditing, legal service, or sponsorship, among others, in relation to an offering of securities, with especially serious circumstances.

(2) Providing any false supporting document on asset appraisal, accounting, or auditing, among others, in relation to a major asset transaction, with especially serious circumstances.

(3) Providing any false supporting document on safety evaluation or environmental impact assessment, among others, for any major engineering works or project involving public security, which has caused an especially significant loss to the public property and the interests of the state and the people.

Whoever, while committing any conduct set forth in the preceding paragraph, solicits or illegally accepts any money or property from any other person, which constitutes a crime, shall be convicted and punished in accordance with the provisions on the heavier punishment.

An employee as mentioned in paragraph 1 of this article who, in gross disregard of his or her duty, produces any supporting document materially inconsistent with the facts, which has serious consequences, shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only.

Article 230 . Whoever violates the rules of the [law on import-export commodity inspection](#) by avoiding commodity inspection and, without authorization, selling and using imported goods or exporting exported goods without having them gone through inspection by commodity inspection authorities as required, and when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration, and may in addition or exclusively be sentenced to a fine.

Article 231 . Where a unit commits the crimes stated in Article 221 through Article 230 of this section, it should be sentenced to a fine and its directly responsible person in charge and other directly responsible personnel be punished according to the stipulations in these articles.

会计、审计、法律服务、保荐、安全评价、环境影响评价、环境监测等职责的中介组织的人员故意提供虚假证明文件，情节严重的，处五年以下有期徒刑或者拘役，并处罚金；有下列情形之一的，处五年以上十年以下有期徒刑，并处罚金：

（一）提供与证券发行相关的虚假的资产评估、会计、审计、法律服务、保荐等证明文件，情节特别严重的；

（二）提供与重大资产交易相关的虚假的资产评估、会计、审计等证明文件，情节特别严重的；

（三）在涉及公共安全的重大工程、项目中提供虚假的安全评价、环境影响评价等证明文件，致使公共财产、国家和人民利益遭受特别重大损失的。

【提供虚假证明文件罪】有前款行为，同时索取他人财物或者非法收受他人财物构成犯罪的，依照处罚较重的规定定罪处罚。

【出具证明文件重大失实罪】第一款规定的人员，严重不负责任，出具的证明文件有重大失实，造成严重后果的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

第二百三十条 【逃避商检罪】违反[进出口商品检验法](#)的规定，逃避商品检验，将必须经商检机构检验的进口商品未报经检验而擅自销售、使用，或者将必须经商检机构检验的出口商品未报经检验合格而擅自出口，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

第二百三十一条 【单位犯扰乱市场秩序罪的处罚规定】单位犯本节第二百二十一条至第二百三十条规定之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照本节各该条的规定处罚。

Chapter IV Crimes of Infringing Upon the Rights of the Person and the Democratic Rights of Citizens

Article 232 . Whoever intentionally kills another is to be sentenced to death, life imprisonment or not less than 10 years of fixed-term imprisonment; when the circumstances are relatively minor, he is to be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment.

Article 233 . Whoever negligently causes the death of another is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment; when the circumstances are relatively minor, he is to be sentenced to not more than three years of fixed-term imprisonment. Where this Law has other stipulations, matters are to be handled in accordance with such stipulations.

Article 234 . Whoever intentionally injures the person of another is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation.

Whoever commits the crime in the preceding paragraph and causes a person's serious injury is to be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment; if he causes a person's death or causes a person's serious deformity by badly injuring him with particularly ruthless means, he is to be sentenced to not less than 10 years of fixed-term imprisonment, life imprisonment, or death. Where this Law has other stipulations, matters are to be handled in accordance with such stipulations.

Article 234 (I): Whoever organizes others to sell human organs shall be sentenced to imprisonment of not more than 5 years and a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years and a fine or forfeiture of property.

Whoever removes any other person's organ without such other person's consent, removes any organ of a person under the age of 18 or forces or deceives any other person into donating any organ shall be convicted and punished according to the provisions of Articles 234 and 232 of this Law.

Whoever removes a dead person's organ against the person's will before his death or removes a dead person's organ against the will of the person's near relatives in violation of the provisions of the state provided that there is no consent from the person before his death shall be convicted and punished according to the provision of Article 302 of this Law.

Article 235 . Whoever negligently injures another and causes him serious injury is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration. Where this law has other stipulations, matters are to be handled in

第四章 侵犯公民人身权利、民主权利罪

第二百三十二条 【故意杀人罪】故意杀人的，处死刑、无期徒刑或者十年以上有期徒刑；情节较轻的，处三年以上十年以下有期徒刑。

第二百三十三条 【过失致人死亡罪】过失致人死亡的，处三年以上七年以下有期徒刑；情节较轻的，处三年以下有期徒刑。本法另有规定的，依照规定。

第二百三十四条 【故意伤害罪】故意伤害他人身体的，处三年以下有期徒刑、拘役或者管制。

犯前款罪，致人重伤的，处三年以上十年以下有期徒刑；致人死亡或者以特别残忍手段致人重伤造成严重残疾的，处十年以上有期徒刑、无期徒刑或者死刑。本法另有规定的，依照规定。

第二百三十四条 之一 【组织出卖人体器官罪】组织他人出卖人体器官的，处五年以下有期徒刑，并处罚金；情节严重的，处五年以上有期徒刑，并处罚金或者没收财产。

【故意伤害罪】【故意杀人罪】未经本人同意摘取其器官，或者摘取不满十八周岁的人的器官，或者强迫、欺骗他人捐献器官的，依照本法第二百三十四条、第二百三十二条的规定定罪处罚。

【盗窃、侮辱、故意毁坏尸体、尸骨、骨灰罪】违背本人生前意愿摘取其尸体器官，或者本人生前未表示同意，违反国家规定，违背其近亲属意愿摘取其尸体器官的，依照本法第三百零二条的规定定罪处罚。

第二百三十五条 【过失致人重伤罪】过失伤害他人致人重伤的，处三年以下有期徒刑或者拘役。本法另有规定

accordance with such stipulations.

Article 236 . Whoever rapes a woman by violence, coercion, or any other means shall be sentenced to imprisonment of not less than three years nor more than ten years.

Whoever has sex with a female child under the age of 14 shall be deemed to have committed rape, and be given a heavier punishment.

Whoever rapes a woman or has sex with a female child shall be sentenced to imprisonment of not less than ten years, life imprisonment, or death under any of the following circumstances:

(1) Raping a woman or having sex with a female child, with execrable circumstances.

(2) Raping several women or having sex with several female children.

(3) Raping a woman or having sex with a female child in public at a public place.

(4) Gang-raping by two or more persons.

(5) Having sex with a female child under the age of 10 or causing any injury to a female child.

(6) Causing any serious injury to or the death of the victim or having any other serious consequence.

Article 236 (I): Where a person performing any guardianship, adoption, nursing, education, medical care, or other special duty to a female minor who has attained the age of 14 but under the age of 16 has sexual relations with the female minor, the person shall be sentenced to imprisonment of not more than three years; or if the circumstances are execrable, shall be sentenced to imprisonment of not less than three years nor more than ten years.

Where a person performing any guardianship, adoption, nursing, education, medical care, or other special duty to a female minor who has attained the age of 14 but under the age of 16 has sexual relations with the female minor, the person shall be sentenced to imprisonment of not more than three years; or if the circumstances are execrable, shall be sentenced to imprisonment of not less than three years nor more than ten years.

Article 237 . Whoever, by violence, coercion or other means, forces or molests any other person or humiliates a woman shall be sentenced to imprisonment of not more than five years or limited incarceration.

Whoever assembles a crowd to commit, or commits in a public place, the crime as provided for in the preceding paragraph, or has any other execrable circumstance shall

的, 依照规定。

第二百三十六条 【强奸罪】以暴力、胁迫或者其他手段强奸妇女的, 处三年以上十年以下有期徒刑。

奸淫不满十四周岁的幼女的, 以强奸论, 从重处罚。

强奸妇女、奸淫幼女, 有下列情形之一的, 处十年以上有期徒刑、无期徒刑或者死刑:

(一) 强奸妇女、奸淫幼女情节恶劣的;

(二) 强奸妇女、奸淫幼女多人的;

(三) 在公共场所当众强奸妇女、奸淫幼女的;

(四) 二人以上轮奸的;

(五) 奸淫不满十周岁的幼女或者造成幼女伤害的;

(六) 致使被害人重伤、死亡或者造成其他严重后果的。

第二百三十六条 之一 对已满十四周岁不满十六周岁的未成年女性负有监护、收养、看护、教育、医疗等特殊职责的人员, 与该未成年女性发生性关系的, 处三年以下有期徒刑; 情节恶劣的, 处三年以上十年以下有期徒刑。

有前款行为, 同时又构成本法第二百三十六条规定之罪的, 依照处罚较重的规定定罪处罚。

第二百三十七条 【强制猥亵、侮辱罪】以暴力、胁迫或者其他方法强制猥亵他人或者侮辱妇女的, 处五年以下有期徒刑或者拘役。

聚众或者在公共场所当众犯前款罪的, 或者有其他恶劣情节的, 处五年以上

be sentenced to imprisonment of not more than five years.

Whoever molests a child shall be sentenced to imprisonment of not more than five years; or under any of the following circumstances, shall be sentenced to imprisonment of not less than five years:

- (1) Molesting several children or molesting a child on several occasions.
- (2) Gang-molesting a child or molesting a child in public at a public place, with execrable circumstances.
- (3) Causing any injury to a child or having any other serious consequence.
- (4) Molesting by execrable means or there is any other execrable circumstance.

Article 238 . Whoever unlawfully detains another or deprives him of his freedom of the person by any other means is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights. In circumstances where beating or humiliation are involved, a heavier punishment is to be given.

Whoever commits one of the crimes in the preceding paragraph and causes a person's serious injury is to be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment; when he causes a person's death, he is to be sentenced to not less than 10 years of fixed-term imprisonment; when he causes a person disability or death by violent means, he is to be punished in accordance with the stipulations in Article 234 and Article 232 of this law.

Whoever unlawfully detains or takes somebody into custody for the purpose of demanding the payment of a debt is to be given a punishment in accordance with the stipulations stated in the two preceding paragraphs.

Where an employee of a state organ abuses his authority to commit any of the three aforementioned crimes, he is to receive a heavier punishment in accordance with the stipulations stated in the three preceding paragraphs.

Article 239 . Whoever abducts any other person for extortion or abducts any other person as a hostage shall be sentenced to fixed-term imprisonment not less than ten years or life imprisonment, and be fined or be sentenced to confiscation of property; or if the circumstances are less serious, shall be sentenced to fixed-term imprisonment not less than five years but not more than ten years, and be fined.

Whoever commits the crime as provided for in the preceding paragraph and kills the abducted person, or intentionally injures the abducted person, causing serious injury or death of the abducted person shall be sentenced to life imprisonment or the death penalty and forfeiture of property.

Whoever steals an infant for extortion shall be punished under the preceding two

有期徒刑。

【猥亵儿童罪】猥亵儿童的，处五年以下有期徒刑；有下列情形之一的，处五年以上有期徒刑：

- （一）猥亵儿童多人或者多次的；
- （二）聚众猥亵儿童的，或者在公共场所当众猥亵儿童，情节恶劣的；
- （三）造成儿童伤害或者其他严重后果的；
- （四）猥亵手段恶劣或者有其他恶劣情节的。

第二百三十八条 【非法拘禁罪】非法拘禁他人或者以其他方法非法剥夺他人人身自由的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。具有殴打、侮辱情节的，从重处罚。

犯前款罪，致人重伤的，处三年以上十年以下有期徒刑；致人死亡的，处十年以上有期徒刑。使用暴力致人伤残、死亡的，依照本法第二百三十四条、第二百三十二条的规定定罪处罚。

为索取债务非法扣押、拘禁他人的，依照前两款的规定处罚。

国家机关工作人员利用职权犯前三款罪的，依照前三款的规定从重处罚。

第二百三十九条 【绑架罪】以勒索财物为目的绑架他人的，或者绑架他人作为人质的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产；情节较轻的，处五年以上十年以下有期徒刑，并处罚金。

犯前款罪，杀害被绑架人的，或者故意伤害被绑架人，致人重伤、死亡的，处无期徒刑或者死刑，并处没收财产。

以勒索财物为目的偷盗婴幼儿的，依

paragraphs.

Article 240 . Those abducting and trafficking women or children are to be sentenced to 5 to 10 years in prison plus fine. Those falling into one or more of the following cases are to be sentenced to 10 years or more in prison or to be given life sentences, in addition to fines or confiscation of property. Those committing especially serious crimes are to be sentenced to death in addition to confiscation of property.

- (1) Primary elements of rings engaging in abducting and trafficking women or children;
- (2) those abducting and trafficking more than three women and/or children;
- (3) those raping abducted women;
- (4) those seducing, tricking, or forcing abducted women into prostitution, or those selling abducted women to others who in turn force them into prostitution;
- (5) those kidnapping women or children using force, coercion, or narcotics, for the purpose of selling them;
- (6) those stealing or robbing infants or babies for the purpose of selling them;
- (7) those causing abducted women or children, or their family members, to serious injuries or death, or causing other grave consequences;
- (8) those selling abducted women or children to outside the country.

Abducting and trafficking women or children refers to abducting, kidnapping, buying, selling, transporting, or transshipping women or children.

Article 241 . Those buying abducted women or children are to be sentenced to three years or fewer in prison, or put under limited incarceration or surveillance.

Those buying abducted women and forcing them to have sex with them are to be convicted and punished according to stipulations of article 236.

Those buying abducted women or children and illegally depriving them of or restricting their physical freedom, or injuring or insulting them, are to be convicted and punished according to relevant stipulations of this law.

照前两款的规定处罚。

第二百四十条 【拐卖妇女、儿童罪】

拐卖妇女、儿童的，处五年以上十年以下有期徒刑，并处罚金；有下列情形之一的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产；情节特别严重的，处死刑，并处没收财产：

- （一）拐卖妇女、儿童集团的首要分子；
- （二）拐卖妇女、儿童三人以上的；
- （三）奸淫被拐卖的妇女的；
- （四）诱骗、强迫被拐卖的妇女卖淫或者将被拐卖的妇女卖给他人迫使其卖淫的；
- （五）以出卖为目的，使用暴力、胁迫或者麻醉方法绑架妇女、儿童的；
- （六）以出卖为目的，偷盗婴幼儿的；
- （七）造成被拐卖的妇女、儿童或者其亲属重伤、死亡或者其他严重后果的；
- （八）将妇女、儿童卖往境外的。

拐卖妇女、儿童是指以出卖为目的，有拐骗、绑架、收买、贩卖、接送、中转妇女、儿童的行为之一的。

第二百四十一条 【收买被拐卖的妇女、儿童罪】 收买被拐卖的妇女、儿童的，处三年以下有期徒刑、拘役或者管制。

【强奸罪】收买被拐卖的妇女，强行与其发生性关系的，依照本法第二百三十六条的规定定罪处罚。

【非法拘禁罪】【故意伤害罪】【侮辱罪】收买被拐卖的妇女、儿童，非法剥夺、限制其人身自由或者有伤害、侮辱等犯罪行为的，依照本法的有关规定定罪处罚。

Those buying abducted women or children and committing crimes stipulated in paragraphs two and three of this article are to be punished for committing more than one crime.

Those buying and selling abducted women or children are to be convicted and punished according to article 240 of this law.

Whoever buys an abducted woman or child without maltreating the abducted child or obstructing the rescue of the woman or child may be given a lighter penalty; and may be given a lighter or mitigated penalty if he or she does not obstruct the abducted woman's return to the place where she comes from in her own will.

Article 242 . Those using force or coercion to obstruct workers of state organs from rescuing bought women or children are to be convicted and punished according to article 277 of this law.

Primary elements who lead other people to obstruct workers of state organs from rescuing bought women or children are to be sentenced to five years or fewer in prison or put under limited incarceration. Other elements who use force or coercion are to be punished according to paragraph one of this article.

Article 243 . Those fabricating stories to frame others or in an attempt to subject others to criminal investigation, if the case is serious, are to be sentenced to three years or fewer in prison, or put under limited incarceration or surveillance. Those causing serious consequences are to be sentenced to three to 10 years in prison.

Workers of state organs committing crimes stipulated in the above paragraph are to be severely punished.

Stipulations in the above two paragraphs do not apply to those who do not deliberately frame others but accuse others by mistake, or who report others' crimes not conforming to the facts.

Article 244 . Whoever forces any other person to work by violence, threat or restriction of personal freedom shall be sentenced to imprisonment of not more than 3 years or limited incarceration and a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine.

Whoever knowingly recruits or transports a workforce for any other person to commit

收买被拐卖的妇女、儿童，并有第二款、第三款规定的犯罪行为的，依照数罪并罚的规定处罚。

【拐卖妇女、儿童罪】收买被拐卖的妇女、儿童又出卖的，依照本法第二百四十条的规定定罪处罚。

收买被拐卖的妇女、儿童，对被买儿童没有虐待行为，不阻碍对其进行解救的，可以从轻处罚；按照被买妇女的意愿，不阻碍其返回原居住地的，可以从轻或者减轻处罚。

第二百四十二条 【妨害公务罪】以暴力、威胁方法阻碍国家机关工作人员解救被收买的妇女、儿童的，依照本法第二百七十七条的规定定罪处罚。

【聚众阻碍解救被收买的妇女、儿童罪】聚众阻碍国家机关工作人员解救被收买的妇女、儿童的首要分子，处五年以下有期徒刑或者拘役；其他参与者使用暴力、威胁方法的，依照前款的规定处罚。

第二百四十三条 【诬告陷害罪】捏造事实诬告陷害他人，意图使他人受刑事追究，情节严重的，处三年以下有期徒刑、拘役或者管制；造成严重后果的，处三年以上十年以下有期徒刑。

国家机关工作人员犯前款罪的，从重处罚。

不是有意诬陷，而是错告，或者检举失实的，不适用前两款的规定。

第二百四十四条 【强迫劳动罪】以暴力、威胁或者限制人身自由的方法强迫他人劳动的，处三年以下有期徒刑或者拘役，并处罚金；情节严重的，处三年以上十年以下有期徒刑，并处罚金。

明知他人实施前款行为，为其招募、

the act as mentioned in the preceding paragraph or otherwise assists in forcing any other person to work shall be punished according to the provision of the preceding paragraph.

Where an entity commits a crime as provided for in the preceding two paragraphs, a fine shall be imposed on it, and its directly responsible person and other directly liable persons shall be punished according to the provision of paragraph 1 of this Article.

Article 244 (I): Where an employer, in violation of the laws and regulations on labor administration, hires minors under the age of 16 to conduct extremely intensive physical labor, work at high altitudes or work under the well or work under an explosive, flammable, radioactive or poisonous environment, if the circumstance is serious, the persons who are held to be directly responsible shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration, and shall also be fined; if the circumstance is especially serious, the persons who are held to be directly responsible shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and shall also be fined.

In case any employer that commits any act mentioned in the preceding Paragraph and causes an accident still commits any other crime, it shall be punished in accordance with the provisions on combined punishment for two and more crimes.

Article 245 . Those illegally physically searching others or illegally searching others' residences, or those illegally intruding into others' residences, are to be sentenced to three years or fewer in prison, or put under limited incarceration.

Judicial workers committing crimes stipulated in the above paragraph by abusing their authority are to be severely punished.

Article 246 . Those openly insulting others using force or other methods or those fabricating stories to slander others, if the case is serious, are to be sentenced to three years or fewer in prison, put under limited incarceration or surveillance, or deprived of their political rights.

Those committing crimes mentioned above are to be investigated only if they are sued, with the exception of cases that seriously undermine social order or the state's interests.

Where the victim files a complaint with the people's court on the commission of the conduct as provided for in paragraph 1 through the information network, but it is indeed difficult to provide evidence, the people's court may require the public security authority to provide assistance.

Article 247 . Judicial workers who extort a confession from criminal suspects or defendants by torture, or who use force to extract testimony from witnesses, are to be sentenced to three years or fewer in prison or put under limited incarceration. Those

运送人员或者有其他协助强迫他人劳动行为的, 依照前款的规定处罚。

单位犯前两款罪的, 对单位判处罚金, 并对其直接负责的主管人员和其他直接责任人员, 依照第一款的规定处罚。

第二百四十四条 之一 【雇用童工从事危重劳动罪】违反劳动管理法规, 雇用未满十六周岁的未成年人从事超强度体力劳动的, 或者从事高空、井下作业的, 或者在爆炸性、易燃性、放射性、毒害性等危险环境下从事劳动, 情节严重的, 对直接责任人员, 处三年以下有期徒刑或者拘役, 并处罚金; 情节特别严重的, 处三年以上七年以下有期徒刑, 并处罚金。

有前款行为, 造成事故, 又构成其他犯罪的, 依照数罪并罚的规定处罚。

第二百四十五条 【非法搜查罪】

【非法侵入住宅罪】非法搜查他人身体、住宅, 或者非法侵入他人住宅的, 处三年以下有期徒刑或者拘役。

司法工作人员滥用职权, 犯前款罪的, 从重处罚。

第二百四十六条 【侮辱罪】【诽谤罪】以暴力或者其他方法公然侮辱他人或者捏造事实诽谤他人, 情节严重的, 处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

前款罪, 告诉的才处理, 但是严重危害社会秩序和国家利益的除外。

通过信息网络实施第一款规定的行为, 被害人向人民法院告诉, 但提供证据确有困难的, 人民法院可以要求公安机关提供协助。

第二百四十七条 【刑讯逼供罪】

【暴力取证罪】司法工作人员对犯罪嫌疑人、被告人实行刑讯逼供或者使

causing injuries to others, physical disablement, or death, are to be convicted and severely punished according to articles 234 and 232 of this law.

Article 248 . Supervisory and management personnel of prisons, detention centers, and other guard houses who beat or physically abuse their inmates, if the case is serious, are to be sentenced to three years or fewer in prison or put under limited incarceration. If the case is especially serious, they are to be sentenced to three to 10 years in prison. Those causing injuries to injuries, physical disablement, or death, are to be convicted and severely punished according to article 234 and 232 of this law.

Supervisory and management personnel who order inmates to beat or physically abuse other inmates are to be punished according to stipulations in the above paragraph.

Article 249 . Those provoking ethnic hatred or discrimination, if the case is serious, are to be sentenced to three years or fewer in prison, put under limited incarceration or surveillance, or deprived of their political rights. If the case is especially serious, they are to be sentenced to three to 10 years in prison.

Article 250 . Persons directly responsible for publishing materials that discriminate or insult minority nationalities, if the case is serious and results in grave consequences, are to be sentenced to three years or fewer in prison, or put under limited incarceration or surveillance.

Article 251 . Workers of state organs who illegally deprive citizens' right to religious beliefs or who encroach on minority nationalities' customs or habits, if the case is serious, are to be sentenced to two years or fewer in prison or put under limited incarceration.

Article 252 . Those infringing upon the citizens right of communication freedom by hiding, destroying, or illegally opening others' letters, if the case is serious, are to be sentenced to one year or less in prison or put under limited incarceration.

Article 253 . Postal workers who open, hide, or destroy mail or telegrams without authorization are to be sentenced to two years or less in prison or put under limited incarceration.

用暴力逼取证人证言的，处三年以下有期徒刑或者拘役。致人伤残、死亡的，依照本法第二百三十四条、第二百三十二条的规定定罪从重处罚。

第二百四十八条 【虐待被监管人罪】 监狱、拘留所、看守所等监管机构的监管人员对被监管人进行殴打或者体罚虐待，情节严重的，处三年以下有期徒刑或者拘役；情节特别严重的，处三年以上十年以下有期徒刑。致人伤残、死亡的，依照本法第二百三十四条、第二百三十二条的规定定罪从重处罚。

监管人员指使被监管人殴打或者体罚虐待其他被监管人的，依照前款的规定处罚。

第二百四十九条 【煽动民族仇恨、民族歧视罪】 煽动民族仇恨、民族歧视，情节严重的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利；情节特别严重的，处三年以上十年以下有期徒刑。

第二百五十条 【出版歧视、侮辱少数民族作品罪】 在出版物中刊载歧视、侮辱少数民族的内容，情节恶劣，造成严重后果的，对直接责任人员，处三年以下有期徒刑、拘役或者管制。

第二百五十一条 【非法剥夺公民宗教信仰自由罪】【侵犯少数民族风俗习惯罪】 国家机关工作人员非法剥夺公民的宗教信仰自由和侵犯少数民族风俗习惯，情节严重的，处二年以下有期徒刑或者拘役。

第二百五十二条 【侵犯通信自由罪】 隐匿、毁弃或者非法开拆他人信件，侵犯公民通信自由权利，情节严重的，处一年以下有期徒刑或者拘役。

第二百五十三条 【私自开拆、隐匿、毁弃邮件、电报罪】 邮政工作人员私自开拆或者隐匿、毁弃邮件、电报的，处二年以下有期徒刑或者拘役。

Those committing crimes stipulated in the above paragraph and stealing money or other articles are to be convicted and severely punished according to article 264 of this law.

Article 253 (I): Whoever sells or provides any citizen's personal information in violation of the relevant provisions of the state shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine or be sentenced to a fine only; or be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are especially serious.

Whoever sells or provides to any other person any citizen's personal information obtained in the course of performing functions or providing services in violation of any relevant provisions of the state shall be given a heavier penalty in accordance with the provisions of the preceding paragraph.

Whoever illegally obtains any citizen's personal information by stealing or other methods shall be punished in accordance with the provisions of paragraph 1.

Where an entity commits any crime as provided for in the preceding three paragraphs, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished according to the provisions of the applicable paragraph.

Article 254 . Workers of state organs who abuse their authority by retaliating against or framing accusers, petitioners, critics, or informants, in the name of conducting official business, are to be sentenced to two years or less in prison or put under limited incarceration. If the case is serious, they are to be sentenced to two to seven years in prison.

Article 255 . Leaders of companies, enterprises, institutions, offices, or other organizations who persecute and retaliate against accountants or statisticians who perform their duty according to law and boycott acts that violate the accounting law and statistics law , if the case is serious, are to be sentenced to three years or fewer in prison or put under limited incarceration.

Article 256 . In electing deputies to the people's congresses at all levels or leaders of state organs, those who undermine the elections or obstruct voters and deputies from freely exercising their right to vote or be elected by using force, coercion, deception, bribe; by falsifying election documents; by making a false report on the numbers of ballots; or by using other means, if the case is serious, are to be sentenced to three years or fewer in prison, put under limited incarceration, or deprived of their political rights.

犯前款罪而窃取财物的，依照本法第二百六十四条的规定定罪从重处罚。

第二百五十三条 之一 【侵犯公民个人信息罪】违反国家有关规定，向他人出售或者提供公民个人信息，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

违反国家有关规定，将在履行职责或者提供服务过程中获得的公民个人信息，出售或者提供给他人的，依照前款的规定从重处罚。

窃取或者以其他方法非法获取公民个人信息的，依照第一款的规定处罚。

单位犯前三款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照各该款的规定处罚。

第二百五十四条 【报复陷害罪】国家机关工作人员滥用职权、假公济私，对控告人、申诉人、批评人、举报人实行报复陷害的，处二年以下有期徒刑或者拘役；情节严重的，处二年以上七年以下有期徒刑。

第二百五十五条 【打击报复会计、统计人员罪】公司、企业、事业单位、机关、团体的领导人，对依法履行职责、抵制违反会计法、统计法行为的会计、统计人员实行打击报复，情节恶劣的，处三年以下有期徒刑或者拘役。

第二百五十六条 【破坏选举罪】在选举各级人民代表大会代表和国家机关领导人员时，以暴力、威胁、欺骗、贿赂、伪造选举文件、虚报选举票数等手段破坏选举或者妨害选民和代表自由行使选举权和被选举权，情节严重的，处三年以下有期徒刑、拘役或者剥夺政治权利。

Article 257 . Those using force to interfere in others' freedom of marriage are to be sentenced to two years or fewer in prison or put under limited incarceration.

Those committing crimes stipulated in the above paragraph and causing others to die are to be sentenced to two to seven years in prison.

Those committing crimes stipulated in the first paragraph of this article are to be investigated only if they are sued.

Article 258 . Those who have a spouse and get married again, or who marry someone whom they know has a spouse, are to be sentenced to two years or fewer in prison or put under limited incarceration.

Article 259 . Those who live together with or marry someone whom they know is the spouse of an active duty service member are to be sentenced to three years or fewer in prison or put under limited incarceration.

Those who use their authority or subordinate relationship to seduce the wives of active duty servicemen for illicit sexual relations by resorting to coercion are to be convicted and punished according to article 236 of this law.

Article 260 . Those mistreating their family members, if the case is serious, are to be sentenced to two years or less in prison, or put under limited incarceration or surveillance.

Those committing crimes stipulated in the above paragraph and causing the victims to severe injuries or death are to be sentenced to two to seven years in prison.

The crime as provided for in paragraph 1 shall not be handled unless an accusation is filed, except when the victim is unable to file an accusation or fails to file an accusation due to coercion or intimidation.

Article 260 (I): Whoever who has the duty to ward or nurse a juvenile, an elder person, a sick person, or a disabled person maltreats the person under his or her guardianship or nursing with execrable circumstances shall be sentenced to imprisonment of not more than three years or limited incarceration.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of the preceding paragraph.

Whoever commits any other crime while committing a crime as mentioned in paragraph 1 shall be convicted and punished according to the provisions on the crime

第二百五十七条

【暴力干涉婚姻自由罪】以暴力干涉他人婚姻自由的，处二以下有期徒刑或者拘役。

犯前款罪，致使被害人死亡的，处二年以上七年以下有期徒刑。

第一款罪，告诉的才处理。

第二百五十八条 【重婚罪】有配偶而重婚的，或者明知他人有配偶而与之结婚的，处二以下有期徒刑或者拘役。

第二百五十九条 【破坏军婚罪】明知是现役军人的配偶而与之同居或者结婚的，处三年以下有期徒刑或者拘役。

利用职权、从属关系，以胁迫手段奸淫现役军人的妻子的，依照本法第二百三十六条的规定定罪处罚。

第二百六十条 【虐待罪】虐待家庭成员，情节恶劣的，处二以下有期徒刑、拘役或者管制。

犯前款罪，致使被害人重伤、死亡的，处二年以上七年以下有期徒刑。

第一款罪，告诉的才处理，但被害人没有能力告诉，或者因受到强制、威吓无法告诉的除外。

第二百六十条 之一 【虐待被监护、看护人罪】对未成年人、老年人、患病的人、残疾人等负有监护、看护职责的人虐待被监护、看护的人，情节恶劣的，处三年以下有期徒刑或者拘役。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

有第一款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

with the heavier penalty.

Article 261 . Those who have the obligation but refuse to support those who are aged, young, sick, or do not have the ability to live independently, if the case is serious, are to be sentenced to five years or fewer in prison or put under limited incarceration or surveillance.

Article 262 . Those abducting minors under 14 years of age from their family or guardians are to be sentenced to five years or less in prison or put under limited incarceration.

Article 262 (I):Where anyone organizes any disabled person or any minor below the age of 14 by force or coercion to beg, he shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration, and shall be fined. If the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years not more than seven years, and shall be fined.

Article 262 (II):Whoever organizes minors to commit theft, fraud, snatch, extortion or any other activity in violation of the public security administration shall be sentenced to fixed-term imprisonment not more than three years or limited incarceration, and be fined; or if the circumstances are serious, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined.

Chapter V The Crime of Encroaching on Property

Article 263 . Those robbing public or private property using force, coercion, or other methods are to be sentenced to three to 10 years in prison in addition to fine. Those falling in one or more of the following cases are to be sentenced to 10 years or more in prison, given life sentences, or sentenced to death, in addition to fines or confiscation of property:

- (1) those intruding into others' houses to rob;
- (2) those committing robbery on public transportation vehicles;
- (3) those robbing banks or other financial institutions;
- (4) those committing several robberies or robbing large amounts of money or other properties;
- (5) those causing serious injuries to or death while robbing;
- (6) those committing robbery posing as servicemen or policemen;

第二百六十一条 【遗弃罪】对于年老、年幼、患病或者其他没有独立生活能力的人，负有扶养义务而拒绝扶养，情节恶劣的，处五年以下有期徒刑、拘役或者管制。

第二百六十二条 【拐骗儿童罪】拐骗不满十四周岁的未成年人，脱离家庭或者监护人的，处五年以下有期徒刑或者拘役。

第二百六十二条 之一 【组织残疾人、儿童乞讨罪】以暴力、胁迫手段组织残疾人或者不满十四周岁的未成年人乞讨的，处三年以下有期徒刑或者拘役，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

第二百六十二条 之二 【组织未成年人进行违反治安管理活动罪】组织未成年人进行盗窃、诈骗、抢夺、敲诈勒索等违反治安管理活动的，处三年以下有期徒刑或者拘役，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

第五章 侵犯财产罪

第二百六十三条 【抢劫罪】以暴力、胁迫或者其他方法抢劫公私财物的，处三年以上十年以下有期徒刑，并处罚金；有下列情形之一的，处十年以上有期徒刑、无期徒刑或者死刑，并处罚金或者没收财产：

- (一) 入户抢劫的；
- (二) 在公共交通工具上抢劫的；
- (三) 抢劫银行或者其他金融机构的；
- (四) 多次抢劫或者抢劫数额巨大的；
- (五) 抢劫致人重伤、死亡的；
- (六) 冒充军警人员抢劫的；

(7) those committing robbery using guns;

(8) those robbing materials for military use, or materials for fighting disasters or relieving disaster victims.

Article 264 . Whoever steals a relatively large amount of public or private property, commits thefts many times, commits a burglary or carries a lethal weapon to steal or pick pockets shall be sentenced to imprisonment of not more than 3 years, limited incarceration or probation and/or a fine; if the amount involved is huge or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than 10 years or life imprisonment and a fine or forfeiture of property.

Article 265 . Those stealing others' communication lines or reproducing others' telecommunication codes for the purpose of making profits, or those using telecommunication equipment or facilities knowing that they are stolen or reproduced are to be convicted and punished according to article 264 of this law.

Article 266 . Those defrauding relatively large amounts of public or private money and property are to be sentenced to three years or fewer in prison or put under limited incarceration or surveillance, in addition to fines; or are to be fined. Those defrauding large amounts of money and property or having involvement in other serious cases are to be sentenced to three to 10 years in prison, in addition to fines. Those defrauding extraordinarily large amounts of money and property or involving in especially serious cases are to be sentenced to 10 years or more in prison or given life sentences, in addition to fines or confiscation of property. If cases are governed by other stipulations of this law, those stipulations shall apply.

Article 267 . Whoever seizes public or private property, or commits robbery for two times or more shall, if the amount involved is relatively large, be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or be sentenced to a fine only; if the amount involved is huge or there is any other serious circumstance, shall be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property.

Whoever commits the crime with a lethal weapon is to be convicted and punished according to the regulations in Article 263 of this law.

Article 268 . In cases where a crowd is assembled to seize public or private property, and the amount involved is quite large and the other circumstances are serious, ringleaders and other active participants are to be sentenced to not more than three

(七) 持枪抢劫的;

(八) 抢劫军用物资或者抢险、救灾、救济物资的。

第二百六十四条 【盗窃罪】 盗窃公私财物，数额较大的，或者多次盗窃、入户盗窃、携带凶器盗窃、扒窃的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；数额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

第二百六十五条 【盗窃罪】 以牟利为目的，盗接他人通信线路、复制他人电信码号或者明知是盗接、复制的电信设备、设施而使用的，依照本法第二百六十四条的规定定罪处罚。

第二百六十六条 【诈骗罪】 诈骗公私财物，数额较大的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；数额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。本法另有规定的，依照规定。

第二百六十七条 【抢夺罪】 抢夺公私财物，数额较大的，或者多次抢夺的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；数额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

【抢劫罪】 携带凶器抢夺的，依照本法第二百六十三条的规定定罪处罚。

第二百六十八条 【聚众哄抢罪】 聚众哄抢公私财物，数额较大或者有其他严重情节的，对首要分子和积极参

years of fixed-term imprisonment, limited incarceration or probation, in addition to a fine; and the sentence is to be not less than three years and not more than 10 years, in addition to a fine, when the amount involved is huge and the other circumstances are particularly serious.

Article 269 . Whoever commits the crimes of theft, fraud, or forcible seizure, and uses violence, or threats to use violence, at the scene in order to conceal booty, resist arrest or destroy criminal evidence, is to be convicted and punished in accordance with Article 263 of this Law.

Article 270 . Whoever illegally takes over any other person's property in the latter's custody, and the amount involved is relatively large, and refuses to return it, is to be sentenced to not more than two years of fixed-term imprisonment, limited incarceration, or a fine; when the amount involved is huge and the other circumstances are serious, the sentence is to be not less than two years but not more than five years of fixed-term imprisonment, in addition to a fine.

Whoever illegally takes over someone's property which the latter forgets to pick up, or the property someone had buried, and the amount involved is relatively large, and refuses to return it, is to be punished according to the preceding paragraph.

The crimes in this article will not be prosecuted unless a complaint is filed.

Article 271 . Any employee of a company, an enterprise, or any other entity who, by taking advantage of his or her position, unlawfully takes possession of any money or property of the entity shall, if the amount involved is relatively large, be sentenced to imprisonment of not more than three years or limited incarceration and a fine; if the amount involved is huge, be sentenced to imprisonment of not less than three years nor more than ten years and a fine; or if the amount involved is especially huge, be sentenced to imprisonment of not less than ten years or life imprisonment and a fine.

When personnel engage in public service in state-owned corporations, enterprises, or other state-owned units; or when personnel of these corporations, enterprises and units assigned to engage in public service in nonstate-owned corporations, enterprises, or other units themselves as stated in the preceding paragraph, they are to be convicted and punished according to regulations in Articles 382 and 383 of this law.

Article 272 . Any employee of a company, an enterprise, or any other entity who, by taking advantage of his or her position, misappropriates the funds of the entity for personal use or for lending to others shall, if the amount involved is relatively large and the funds are not returned after three months, if the funds are returned within three months but the amount involved is relatively large and the funds are used for any for-profit activity, or if the funds are used for any illegal activity, be sentenced to

加的, 处三年以下有期徒刑、拘役或者管制, 并处罚金; 数额巨大或者有其他特别严重情节的, 处三年以上十年以下有期徒刑, 并处罚金。

第二百六十九条 【转化的抢劫罪】 犯盗窃、诈骗、抢夺罪, 为窝藏赃物、抗拒抓捕或者毁灭罪证而当场使用暴力或者以暴力相威胁的, 依照本法第二百六十三条的规定定罪处罚。

第二百七十条 【侵占罪】 将代为保管的他人财物非法占为己有, 数额较大, 拒不退还的, 处二年以下有期徒刑、拘役或者罚金; 数额巨大或者有其他严重情节的, 处二年以上五年以下有期徒刑, 并处罚金。

将他人的遗忘物或者埋藏物非法占为己有, 数额较大, 拒不交出的, 依照前款的规定处罚。

本条罪, 告诉的才处理。

第二百七十一条 【职务侵占罪】 公司、企业或者其他单位的工作人员, 利用职务上的便利, 将本单位财物非法占为己有, 数额较大的, 处三年以下有期徒刑或者拘役, 并处罚金; 数额巨大的, 处三年以上十年以下有期徒刑, 并处罚金; 数额特别巨大的, 处十年以上有期徒刑或者无期徒刑, 并处罚金。

【贪污罪】 国有公司、企业或者其他国有单位中从事公务的人员和国有公司、企业或者其他国有单位委派到非国有公司、企业以及其他单位从事公务的人员有前款行为的, 依照本法第三百八十二条、第三百八十三条的规定定罪处罚。

第二百七十二条 【挪用资金罪】 公司、企业或者其他单位的工作人员, 利用职务上的便利, 挪用本单位资金归个人使用或者借贷给他人, 数额较大、超过三个月未还的, 或者虽未超过三个月, 但数额较大、进行营利活

imprisonment of not more than three years or limited incarceration; if the amount of misappropriated funds of the entity is huge, be sentenced to imprisonment of not less than three years nor more than seven years; or if the amount involved is especially huge, be sentenced to imprisonment of not less than seven years.

Where a person who is engaged in public service in a state-owned company or enterprise or any other state-owned entity or a person who is assigned by a state-owned company or enterprise or any other state-owned entity to a company, an enterprise, or any other entity that is not owned by the state to engage in public service commits any conduct set forth in the preceding paragraph, the person shall be convicted and punished in accordance with the provisions of Article 384 of this Law.

A person who commits the conduct set forth in paragraph 1 of this article but returns the misappropriated funds before being prosecuted by the state may be given a lighter or mitigated punishment, or if the crime is relatively minor, may be given a mitigated or be exempt from punishment.

Article 273 . Those directly responsible for misappropriating state funds and materials allocated for disaster relief, emergencies, flood control, allowances for disabled servicemen and the families of revolutionary martyrs and servicemen, aid-the-poor programs, resettlement, and social relief, when the circumstances are serious and have caused major damage to the interests of the state and the people, are to be sentenced to not more than three years of fixed-termed imprisonment or limited incarceration; when the circumstances are particularly serious, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

Article 274 . Whoever extorts a relatively large amount of public or private property or extorts public or private property many times shall be sentenced to imprisonment of not more than 3 years, limited incarceration or probation and/or a fine; if the amount involved is huge or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 3 years but not more than 10 year and a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than 10 years and a fine.

Article 275 . Whoever intentionally destroys public or private property and the amount involved is quite large and the other circumstances are serious is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or a sentence of a fine; when the amount involved is huge and the other circumstances are particularly serious, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

Article 276 . Whoever destroys machinery or equipment, cruelly injures or slaughters draft animals, or uses other means to sabotage production or operation, with the purpose of giving vent to spite, seeking revenge, or for other personal motives, is to be sentenced to not more than three years of fixed-term imprisonment, limited

动的, 或者进行非法活动的, 处三年以下有期徒刑或者拘役; 挪用本单位资金数额巨大的, 处三年以上七年以下有期徒刑; 数额特别巨大的, 处七年以上有期徒刑。

【挪用公款罪】国有公司、企业或者其他国有单位中从事公务的人员和国有公司、企业或者其他国有单位委派到非国有公司、企业以及其他单位从事公务的人员有前款行为的, 依照本法第三百八十四条的规定定罪处罚。

有第一款行为, 在提起公诉前将挪用的资金退还的, 可以从轻或者减轻处罚。其中, 犯罪较轻的, 可以减轻或者免除处罚。

第二百七十三条 【挪用特定款物罪】挪用用于救灾、抢险、防汛、优抚、扶贫、移民、救济款物, 情节严重, 致使国家和人民群众利益遭受重大损害的, 对直接责任人员, 处三年以下有期徒刑或者拘役; 情节特别严重的, 处三年以上七年以下有期徒刑。

第二百七十四条 【敲诈勒索罪】敲诈勒索公私财物, 数额较大或者多次敲诈勒索的, 处三年以下有期徒刑、拘役或者管制, 并处或者单处罚金; 数额巨大或者有其他严重情节的, 处三年以上十年以下有期徒刑, 并处罚金; 数额特别巨大或者有其他特别严重情节的, 处十年以上有期徒刑, 并处罚金。

第二百七十五条 【故意毁坏财物罪】故意毁坏公私财物, 数额较大或者有其他严重情节的, 处三年以下有期徒刑、拘役或者罚金; 数额巨大或者有其他特别严重情节的, 处三年以上七年以下有期徒刑。

第二百七十六条 【破坏生产经营罪】由于泄愤报复或者其他个人目的, 毁坏机器设备、残害耕畜或者以其他方法破坏生产经营的, 处三年以下有期

incarceration, or probation; when the circumstance is serious, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

Article 276 (I): Whoever evades payment of a relatively large amount of labor remunerations by transferring property or escaping and hiding or refuses to pay a relatively large amount of labor remunerations though capable, and still refuses to pay even after being ordered by the relevant government department to pay, shall be sentenced to imprisonment of not more than 3 years or limited incarceration and/or a fine; and if there are serious consequences, shall be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person and other directly liable persons shall be punished according to the provision of the preceding paragraph.

Whoever commits an act as mentioned in the preceding two paragraphs without serious consequences but pays labor remunerations before a public prosecution is instituted and assumes the corresponding compensatory liability according to law may be given a mitigated penalty or exempted from penalty.

Chapter VI Crimes of Disrupting the Order of Social Administration

Section 1 . Crimes of Disrupting Public Order

Article 277 . Whoever uses violence or threat to obstruct state personnel from discharging their duties is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation; or a sentence of a fine.

Whoever uses violence or threats to obstruct National People's Congress deputies, or local people's congress deputies, from discharging their lawful deputy duties is to be punished according to the preceding paragraph.

Whoever, in the event of a natural disaster or an emergency, uses violence or threats to obstruct Red Cross personnel from discharging their lawful responsibilities is to be punished according to the first paragraph.

Whoever intentionally obstructs the state's security or public security organs from carrying out their security assignments, and has caused serious consequences even though no violence or threat is used is to be punished according to the first paragraph.

Whoever assaults by violence a police officer who is performing his or her duties in accordance with the law shall be sentenced to imprisonment of not more than three years, limited incarceration, or probation; or if the assault is committed by means such as using a gun or controlled knife or driving a motor vehicle to hit the police officer,

徒刑、拘役或者管制；情节严重的，处三年以上七年以下有期徒刑。

第二百七十六条 之一 【拒不支付劳动报酬罪】以转移财产、逃匿等方法逃避支付劳动者的劳动报酬或者有能力支付而不支付劳动者的劳动报酬，数额较大，经政府有关部门责令支付仍不支付的，处三年以下有期徒刑或者拘役，并处或者单处罚金；造成严重后果的，处三年以上七年以下有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

有前两款行为，尚未造成严重后果，在提起公诉前支付劳动者的劳动报酬，并依法承担相应赔偿责任的，可以减轻或者免除处罚。

第六章 妨害社会管理秩序罪

第一节 扰乱公共秩序罪

第二百七十七条 【妨害公务罪】以暴力、威胁方法阻碍国家机关工作人员依法执行职务的，处三年以下有期徒刑、拘役、管制或者罚金。

以暴力、威胁方法阻碍全国人民代表大会和地方各级人民代表大会代表依法执行代表职务的，依照前款的规定处罚。

在自然灾害和突发事件中，以暴力、威胁方法阻碍红十字会工作人员依法履行职责的，依照第一款的规定处罚。

故意阻碍国家安全机关、公安机关依法执行国家安全工作任务，未使用暴力、威胁方法，造成严重后果的，依照第一款的规定处罚。

暴力袭击正在依法执行职务的人民警察的，处三年以下有期徒刑、拘役或者管制；使用枪支、管制刀具，或者以驾驶机动车撞击等手段，严重危及

seriously endangering the personal safety of the police officer, shall be sentenced to imprisonment of not less than three years nor more than seven years.

Article 278 . Whoever instigates the masses to use violence to resist the enforcement of state laws and administrative regulations is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights; when serious consequences have been caused, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

Article 279 . Whoever poses as state organ personnel to cheat and bluff is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights; when the circumstances are serious, the sentence is to be not less than three years but not more than 10 years of fixed-term imprisonment.

Whoever poses as a people's police to cheat and bluff is to be heavily punished in accordance with the preceding paragraph.

Article 280 . Whoever forges, alters, trades in, steals, forcibly seizes or destroys any official document, certificate or seal of a state authority shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights in addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine.

Whoever forges a seal of any company, enterprise, public institution or people's organization shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights in addition to a fine.

Whoever forges, alters or trades in any citizen's identification card, passport, social security card, driver's license or any other certificate that may be used to prove identity in accordance with the law shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights in addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine.

Article 280 (I): Whoever uses any forged, altered or uses without authority any other person's identification card, passport, social security card, driver's license or any other certificate that may be used to prove identity in the activities that require the provision of identity certificate according to the provisions of the state shall, if the circumstances are serious, be sentenced to limited incarceration or surveillance in addition to a fine or

其人身安全的，处三年以上七年以下有期徒刑。

第二百七十八条 【煽动暴力抗拒法律实施罪】煽动群众暴力抗拒国家法律、行政法规实施的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利；造成严重后果的，处三年以上七年以下有期徒刑。

第二百七十九条 【招摇撞骗罪】冒充国家机关工作人员招摇撞骗的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利；情节严重的，处三年以上十年以下有期徒刑。

冒充人民警察招摇撞骗的，依照前款的规定从重处罚。

第二百八十条 【伪造、变造、买卖国家机关公文、证件、印章罪】【盗窃、抢夺、毁灭国家机关公文、证件、印章罪】伪造、变造、买卖或者盗窃、抢夺、毁灭国家机关的公文、证件、印章的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利，并处罚金；情节严重的，处三年以上十年以下有期徒刑，并处罚金。

【伪造公司、企业、事业单位、人民团体印章罪】伪造公司、企业、事业单位、人民团体的印章的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利，并处罚金。

【伪造、变造、买卖身份证件罪】伪造、变造、买卖居民身份证、护照、社会保障卡、驾驶证等依法可以用于证明身份的证件的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

第二百八十条 之一 【使用虚假身份证件、盗用身份证件罪】在依照国家规定应当提供身份证明的活动中，使用伪造、变造的或者盗用他人的居民身份证、护照、社会保障卡、驾驶证

be sentenced to a fine only.

Whoever commits any other crime while committing a crime as mentioned in the preceding paragraph shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Article 280 (II): Whoever, by stealing and using or by falsely using the identity of any other person, obtains the qualification for admission to higher education or the qualification as a public servant or receives the employment placement benefit as an imposter shall be sentenced to imprisonment of not more than three years, limited incarceration, or probation and a fine.

Whoever arranges for or instigates any other person to commit the conduct set forth in the preceding paragraph shall be given a heavier punishment in accordance with the provision of the preceding paragraph.

Any employee of the state who commits any conduct set forth in the preceding two paragraphs, which concurrently constitutes any other crime, shall be punished in accordance with the provisions on joinder of punishment for plural crimes.

Article 281 . Whoever illegally produces, purchases or sells standard police uniforms, license plates of motor vehicles, or other special signs, police tools, and the consequences are serious, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation; and may also be sentenced to a fine, additionally or exclusively.

When a unit commits the crimes stated in the preceding paragraph, the unit is to be fined, and its persons in charge and other who are directly responsible are to be punished according to the regulations in the preceding paragraph.

Article 282 . Whoever illegally acquires state secrets by stealing, secretly gathering, and purchasing is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights; when the circumstances are serious, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

Whoever possesses documents, information, or other articles which are top secret or classified information of the state, and refuses to state their origins or use, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation.

Article 283 . Whoever illegally produces or sells special espionage devices or eavesdropping or secret photographing devices shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or

等依法可以用于证明身份的证件，情节严重的，处拘役或者管制，并处或者单处罚金。

有前款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

第二百八十条 之二 盗用、冒用他人身份，顶替他人取得的高等学历教育入学资格、公务员录用资格、就业安置待遇的，处三年以下有期徒刑、拘役或者管制，并处罚金。

组织、指使他人实施前款行为的，依照前款的规定从重处罚。

国家工作人员有前两款行为，又构成其他犯罪的，依照数罪并罚的规定处罚。

第二百八十一条 【非法生产、买卖警用装备罪】非法生产、买卖人民警察制式服装、车辆号牌等专用标志、警械，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第二百八十二条 【非法获取国家秘密罪】以窃取、刺探、收买方法，非法获取国家秘密的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利；情节严重的，处三年以上七年以下有期徒刑。

【非法持有国家绝密、机密文件、资料、物品罪】非法持有属于国家绝密、机密的文件、资料或者其他物品，拒不说明来源与用途的，处三年以下有期徒刑、拘役或者管制。

第二百八十三条 【非法生产、销售专用间谍器材、窃听、窃照专用器材罪】非法生产、销售专用间谍器材或

be sentenced to a fine only; or be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are serious.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of the preceding paragraph.

Article 284 . Whoever illegally uses special monitoring or photographing equipment and causes grave consequences is to be sentenced to not more than two years of fixed-term imprisonment, limited incarceration, or probation.

Article 284 (I): Whoever organizes cheating in a national examination prescribed by law shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine or be sentenced to a fine only; or if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine.

Whoever provides any cheating device or any other assistance for anyone else to commit the crime as mentioned in the preceding paragraph shall be punished in accordance with the provisions of the preceding paragraph.

Whoever illegally sells or provides test questions or answers as prescribed in paragraph 1 for the purpose of cheating in the test shall be punished in accordance with the provisions of paragraph 1.

Whoever takes on behalf of anyone else or enables anyone else to take on behalf of him- or herself an examination prescribed in paragraph 1 shall be sentenced to limited incarceration or surveillance in addition to a fine or be sentenced to a fine only.

Article 285 . Whoever violates state regulations and intrudes into computer systems with information concerning state affairs, construction of defense facilities, and sophisticated science and technology is be sentenced to not more than three years of fixed-term imprisonment or limited incarceration.

Whoever, in violation of the state provisions, intrudes into a computer information system other than that prescribed in the preceding paragraph or uses other technical means to obtain the data stored, processed or transmitted in the said computer information system or exercise illegal control over the said computer information system shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than three years or limited incarceration, and/or be fined; or if the circumstances are extremely serious, shall be sentenced to fixed-term imprisonment

者窃听、窃照专用器材的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第二百八十四条 【非法使用窃听、窃照专用器材罪】非法使用窃听、窃照专用器材，造成严重后果的，处二

第二百八十四条 之一 【组织考试作弊罪】在法律规定的国家考试中，组织作弊的，处三年以下有期徒刑或者拘役，并处或者单处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

为他人实施前款犯罪提供作弊器材或者其他帮助的，依照前款的规定处罚。

【非法出售、提供试题、答案罪】为实施考试作弊行为，向他人非法出售或者提供第一款规定的考试的试题、答案的，依照第一款的规定处罚。

【代替考试罪】代替他人或者让他人代替自己参加第一款规定的考试的，处拘役或者管制，并处或者单处罚金。

第二百八十五条 【非法侵入计算机信息系统罪】违反国家规定，侵入国家事务、国防建设、尖端科学技术领域的计算机信息系统的，处三年以下有期徒刑或者拘役。

【非法获取计算机信息系统数据、非法控制计算机信息系统罪】违反国家规定，侵入前款规定以外的计算机信息系统或者采用其他技术手段，获取该计算机信息系统中存储、处理或者传输的数据，或者对该计算机信息系统实施非法控制，情节严重的，处三

not less than three years but not more than seven years, and be fined.

Whoever provides special programs or tools specially used for intruding into or illegally controlling computer information systems, or whoever knows that any other person is committing the criminal act of intruding into or illegally controlling a computer information system and still provides programs or tools for such a person shall, if the circumstances are serious, be punished under the preceding paragraph.

Where an entity commits any crime as provided for in the preceding three paragraphs, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished according to the provisions of the applicable paragraph.

Article 286 . Whoever violates states regulations and deletes, alters, adds, and interferes in computer information systems, causing abnormal operations of the systems and grave consequences, is to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration; when the consequences are particularly serious, the sentence is to be not less than five years of fixed-term imprisonment.

Whoever violates state regulations and deletes, alters, or adds the data or application programs installed in or processed and transmitted by the computer systems, and causes grave consequences, is to be punished according to the preceding paragraph.

Whoever deliberately creates and propagates computer virus and other programs which sabotage the normal operation of the computer system and cause grave consequences is to be punished according to the first paragraph.

Where an entity commits any crime as provided for in the preceding three paragraphs, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished according to the provisions of paragraph 1.

Article 286 (I): Any network service provider that fails to perform the information network security management obligation as prescribed in any law or administrative regulation and refuses to make corrections after being ordered by the regulatory authority to take correction measures shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or be sentenced to a fine only under any of the following circumstances.

(1) Causing the spread of a large amount of illegal information.

年以下有期徒刑或者拘役，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

【提供侵入、非法控制计算机信息系统程序、工具罪】提供专门用于侵入、非法控制计算机信息系统的程序、工具，或者明知他人实施侵入、非法控制计算机信息系统的违法犯罪行为而为其提供程序、工具，情节严重的，依照前款的规定处罚。

单位犯前三款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照各该款的规定处罚。

第二百八十六条 【破坏计算机信息系统罪】违反国家规定，对计算机信息系统功能进行删除、修改、增加、干扰，造成计算机信息系统不能正常运行，后果严重的，处五年以下有期徒刑或者拘役；后果特别严重的，处五年以上有期徒刑。

违反国家规定，对计算机信息系统中存储、处理或者传输的数据和应用程序进行删除、修改、增加的操作，后果严重的，依照前款的规定处罚。

故意制作、传播计算机病毒等破坏性程序，影响计算机系统正常运行，后果严重的，依照第一款的规定处罚。

单位犯前三款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

第二百八十六条 之一 【拒不履行信息网络安全管理义务罪】网络服务提供者不履行法律、行政法规规定的信息网络安全管理义务，经监管部门责令采取改正措施而拒不改正，有下列情形之一的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金：

（一）致使违法信息大量传播的；

(2) Causing the leakage of users' information, with serious consequences.

(二) 致使用户信息泄露, 造成严重后果的;

(3) Causing the loss of criminal case evidence, with serious circumstances.

(三) 致使刑事案件证据灭失, 情节严重的;

(4) Any other serious circumstance.

(四) 有其他严重情节的。

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of the preceding paragraph.

单位犯前款罪的, 对单位判处罚金, 并对其直接负责的主管人员和其他直接责任人员, 依照前款的规定处罚。

Whoever commits any other crime while committing a crime as mentioned in the preceding two paragraphs shall be convicted and punished according to the provisions on the crime with the heavier penalty.

有前两款行为, 同时构成其他犯罪的, 依照处罚较重的规定定罪处罚。

Article 287 . Whoever uses a computer for financial fraud, theft, corruption, misappropriation of public funds, stealing state secrets, or other crimes is to be convicted and punished according to relevant regulations of this law.

第二百八十七条 【利用计算机实施犯罪的提示性规定】利用计算机实施金融诈骗、盗窃、贪污、挪用公款、窃取国家秘密或者其他犯罪的, 依照本法有关规定定罪处罚。

Article 287 (I): Whoever commits any of the following conducts by using the information network shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine or be sentenced to a fine only.

第二百八十七条 之一 【非法利用信息网络罪】利用信息网络实施下列行为之一, 情节严重的, 处三年以下有期徒刑或者拘役, 并处或者单处罚金:

(1) Establishing a website or a communication group mainly for committing fraud, teaching on how to commit a crime, producing or selling any prohibited or controlled article, or committing any other illegal or criminal activity.

(一) 设立用于实施诈骗、传授犯罪方法、制作或者销售违禁物品、管制物品等违法犯罪活动的网站、通讯群组的;

(2) Issuing any information on the production or sale of drugs, guns, obscene articles, or any other prohibited or controlled article or any other illegal or criminal conduct.

(二) 发布有关制作或者销售毒品、枪支、淫秽物品等违禁物品、管制物品或者其他违法犯罪信息的;

(3) Issuing any information for committing fraud or any other illegal or criminal activity.

(三) 为实施诈骗等违法犯罪活动发布信息的。

Where an entity commits any crime as provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of paragraph 1.

单位犯前款罪的, 对单位判处罚金, 并对其直接负责的主管人员和其他直接责任人员, 依照第一款的规定处罚。

Whoever commits any other crime while committing a crime as mentioned in the preceding two paragraphs shall be convicted and punished according to the provisions on the crime with the heavier penalty.

有前两款行为, 同时构成其他犯罪的, 依照处罚较重的规定定罪处罚。

Article 287 (II): Whoever, while obviously aware that any other person is committing

第二百八十七条 之二 【帮助信息网

a crime by using an information network, provides Internet access, server custody, network storage, communication transmission or any other technical support, or provides advertising, payment settlement or any other assistance for the crime shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine or be sentenced to a fine only.

Where an entity commits any crime as provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of paragraph 1.

Whoever commits any other crime while committing a crime as mentioned in the preceding two paragraphs shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Article 288 . Whoever, in violation of the provisions of the state, installs or uses any radio station (transmitter) without approval, or occupies frequencies without approval to disrupt the radio communication order shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or be sentenced to a fine only; or be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are especially serious.

When a unit commits the crimes stated in the preceding paragraph, the unit is to be fined, and its persons in charge and others who are directly responsible are to be punished according to the preceding paragraph.

Article 289 . Whoever causes a person's injury, disability or death as result of assembling a crowd for "beating, smashing and looting" is to be convicted and punished according to regulations in Articles 234 and 232 of this law. In cases where public or private property is destroyed or forcibly taken and carried away, ringleaders, in addition to the ordering of restitution of compensation, are to be convicted and punished according to Article 263 of this law.

Article 290 . Where a crowd is assembled to disrupt the public order and serious circumstances are caused so that the process of work, production, business, teaching, scientific research or medical services is disrupted, and if any serious loss is caused, the ringleaders shall be sentenced to imprisonment of not less than three years but not more than seven years; and other active participants shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights.

络犯罪活动罪】明知他人利用信息网络实施犯罪，为其犯罪提供互联网接入、服务器托管、网络存储、通讯传输等技术支持，或者提供广告推广、支付结算等帮助，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

有前两款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

第二百八十八条 【扰乱无线电通讯管理秩序罪】违反国家规定，擅自设置、使用无线电台（站），或者擅自使用无线电频率，干扰无线电通讯秩序，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第二百八十九条 【故意伤害罪】

【故意杀人罪】【抢劫罪】聚众“打砸抢”，致人伤残、死亡的，依照本法第二百三十四条、第二百三十二条的规定定罪处罚。毁坏或者抢走公私财物的，除判令退赔外，对首要分子，依照本法第二百六十三条的规定定罪处罚。

第二百九十条 【聚众扰乱社会秩序罪】聚众扰乱社会秩序，情节严重，致使工作、生产、营业和教学、科研、医疗无法进行，造成严重损失的，对首要分子，处三年以上七年以下有期徒刑；对其他积极参加的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

Assembling crowds to attack state organs, thus disrupting their operations and causing serious losses, the ringleaders are to be sentenced to not less than five years but not more than 10 years of fixed-term imprisonment; and other active participants are to be sentenced to not less than five year of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights.

Two paragraphs are added as paragraphs 3 and 4: “Whoever disrupts the work order of any state authority for two times or more and refuses to make corrections after being given an administrative penalty shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance if there are serious consequences.

Whoever organizes or provides financial support to any other person to illegally assemble for two times or more to disrupt the public order and serious circumstances are caused shall be punished in accordance with the provisions of the preceding paragraph.

Article 291 . In cases where a crowd is assembled to disturb order at stations, wharves, civil aviation stations, market places, public parks, theaters, exhibitions, sports grounds or other public places, or a crowd is assembled to block traffic or undermine traffic order, or resist or obstruct state security administration personnel who are carrying out their functions according to law, when the circumstances are serious, ringleaders are to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, or probation.

Article 291 (I): Whoever spreads mendacious pathogens of infectious diseases, explosives, poisonous or radioactive substances or other substances, or fabricates terrorist information on threats of explosion, biochemical threats or radioactive threats, or, while clearly knowing that the terrorist information is fabricated, intentionally disseminate such information, thus seriously disrupting public order, shall be sentenced to fixed-term imprisonment of no more than five years, limited incarceration or public surveillance; if he causes serious consequences, he shall be sentenced to fixed-term imprisonment of no less than five years.

Whoever makes up any false information on the situation of any risk, epidemic disease, disaster or emergency and spreads such information on the information network or any other media, or knowingly spreads the aforesaid false information on the information network or any other media, which seriously disrupts the public order, shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance; and if serious consequences have resulted, shall be sentenced to imprisonment of not less than three years but not more than seven years.

Article 291 (II): Whoever throws any object from height such as a building shall, if the

【聚众冲击国家机关罪】聚众冲击国家机关，致使国家机关工作无法进行，造成严重损失的，对首要分子，处五年以上十年以下有期徒刑；对其他积极参加的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

【扰乱国家机关工作秩序罪】多次扰乱国家机关工作秩序，经行政处罚后仍不改正，造成严重后果的，处三年以下有期徒刑、拘役或者管制。

【组织、资助非法聚集罪】多次组织、资助他人非法聚集，扰乱社会秩序，情节严重的，依照前款的规定处罚。

第二百九十一条 【聚众扰乱公共场所秩序、交通秩序罪】聚众扰乱车站、码头、民用航空站、商场、公园、影剧院、展览会、运动场或者其他公共场所秩序，聚众堵塞交通或者破坏交通秩序，抗拒、阻碍国家治安管理工作人员依法执行职务，情节严重的，对首要分子，处五年以下有期徒刑、拘役或者管制。

第二百九十一条 之一 【投放虚假危险物质罪】【编造、故意传播虚假恐怖信息罪】投放虚假的爆炸性、毒害性、放射性、传染病病原体等物质，或者编造爆炸威胁、生化威胁、放射威胁等恐怖信息，或者明知是编造的恐怖信息而故意传播，严重扰乱社会秩序的，处五年以下有期徒刑、拘役或者管制；造成严重后果的，处五年以上有期徒刑。

【编造、故意传播虚假信息罪】编造虚假的险情、疫情、灾情、警情，在信息网络或者其他媒体上传播，或者明知是上述虚假信息，故意在信息网络或者其他媒体上传播，严重扰乱社会秩序的，处三年以下有期徒刑、拘役或者管制；造成严重后果的，处三年以上七年以下有期徒刑。

第二百九十一条 之二 从建筑物或者

circumstances are serious, be sentenced to imprisonment of not more than one year, limited incarceration, or probation and a fine, or be sentenced to a fine only.

Whoever commits any conduct set forth in the preceding paragraph, which concurrently constitutes any other crime, shall be convicted and punished in accordance with the provisions on the heavier punishment.

Article 292 . In cases where a crowd is assembled to have brawls, ringleaders and other active participants are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation. When the cases are one of the following, ringleaders and other active participants are to be sentenced to not less than three years but not more than 10 years of fixed-term imprisonment:

- (1) crowds are assembled on many occasions to have brawls;
- (2) the size of crowds assembled to have brawls is large, and bad social effects have been caused;
- (3) crowds are assembled for brawls in public places or main thoroughfares, and serious social disorders have been caused; or
- (4) crowds are assembled for brawls with tools.

Whoever assembles a crowd to have brawls, thus causing a person serious injuries or death, is to be convicted and punished according to Articles 234 and 232 of this Law.

Article 293 . Whoever disrupts the social order by committing any of the following provocative and disturbing acts shall be sentenced to imprisonment of not more than 5 years, limited incarceration or probation:

- (1) Assaulting any other person at will, with execrable circumstances;
- (2) Chasing, intercepting, reviling or intimidating any other person, with execrable circumstances;
- (3) Taking or demanding forcibly or vandalizing or occupying at will public or private property, with serious circumstances; or
- (4) Making trouble in a public place, which causes a serious disorder of the public place.

Whoever assembles other people to commit the acts as mentioned in the preceding paragraph many times, which seriously disrupt the social order, shall be sentenced to imprisonment of not less than 5 years but not more than 10 years and may be fined in addition.

Article 293 (I): Whoever, falling under any of the following circumstances, demands the repayment of any illegal debt incurred from usury, among others, shall, if the

其他高空抛掷物品，情节严重的，处一年以下有期徒刑、拘役或者管制，并处或者单处罚金。

有前款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

第二百九十二条 【聚众斗殴罪】聚众斗殴的，对首要分子和其他积极参加的，处三年以下有期徒刑、拘役或者管制；有下列情形之一的，对首要分子和其他积极参加的，处三年以上十年以下有期徒刑：

- （一）多次聚众斗殴的；
- （二）聚众斗殴人数多，规模大，社会影响恶劣的；
- （三）在公共场所或者交通要道聚众斗殴，造成社会秩序严重混乱的；
- （四）持械聚众斗殴的。

聚众斗殴，致人重伤、死亡的，依照本法第二百三十四条、第二百三十二条的规定定罪处罚。

第二百九十三条 【寻衅滋事罪】有下列寻衅滋事行为之一，破坏社会秩序的，处五年以下有期徒刑、拘役或者管制：

- （一）随意殴打他人，情节恶劣的；
- （二）追逐、拦截、辱骂、恐吓他人，情节恶劣的；
- （三）强拿硬要或者任意损毁、占用公私财物，情节严重的；
- （四）在公共场所起哄闹事，造成公共场所秩序严重混乱的。

纠集他人多次实施前款行为，严重破坏社会秩序的，处五年以上十年以下有期徒刑，可以并处罚金。

第二百九十三条 之一 有下列情形之一，催收高利放贷等产生的非法债务，

circumstances are serious, be sentenced to imprisonment of not more than three years, limited incarceration, or probation and a fine, or be sentenced to a fine only:

(1) Using violence or coercion.

(2) Restricting any other person's personal freedom or intruding into any other person's residence.

(3) Intimidating, stalking, or harassing any other person.

Article 294 . Whoever organizes or leads an organization of a gangland nature shall be sentenced to imprisonment of not less than 7 years and a forfeiture of property; whoever actively participates in an organization of a gangland nature shall be sentenced to imprisonment of not less than 3 years but not more than 7 years and may be sentenced to a fine or forfeiture of property in addition; whoever otherwise gets involved in an organization of a gangland nature shall be sentenced to imprisonment of not more than 3 years, limited incarceration, probation or deprivation of political rights and may be fined in addition.

A member of an overseas gangland organization who recruits members of the organization within the territory of the People's Republic of China shall be sentenced to imprisonment of not less than 3 years but not more than 10 years.

Any state functionary who harbors an organization of a gangland nature or connives at such an organization's illegal or criminal activities shall be sentenced to imprisonment of not more than 5 years; or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years.

Whoever also commits any other crime while committing a crime as mentioned in the preceding three paragraphs shall be punished according to the provisions on the joinder of penalties for plural crimes.

An organization of a gangland nature shall have all of the following characteristics:

(1) A relatively stable criminal organization is formed with a relatively large number of members, and there are specific organizers or leaders and basically fixed core members.

(2) Economic interests are gained by organized illegal or criminal activities or other means, and it has certain financial strength to support its activities.

(3) By violence, threat or other means, it commits organized illegal or criminal activities many times to do evil, bully and cruelly injure or kill people.

(4) It dominates a certain area by committing illegal or criminal activities or taking

情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金：

（一）使用暴力、胁迫方法的；

（二）限制他人人身自由或者侵入他人住宅的；

（三）恐吓、跟踪、骚扰他人的。

第二百九十四条 【组织、领导、参加黑社会性质组织罪】组织、领导黑社会性质的组织的，处七年以上有期徒刑，并处没收财产；积极参加的，处三年以上七年以下有期徒刑，可以并处罚金或者没收财产；其他参加的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利，可以并处罚金。

【入境发展黑社会组织罪】境外的黑社会组织的人员到中华人民共和国境内发展组织成员的，处三年以上十年以下有期徒刑。

【包庇、纵容黑社会性质组织罪】国家机关工作人员包庇黑社会性质的组织，或者纵容黑社会性质的组织进行违法犯罪活动的，处五年以下有期徒刑；情节严重的，处五年以上有期徒刑。

犯前款罪又有其他犯罪行为的，依照数罪并罚的规定处罚。

黑社会性质的组织应当同时具备以下特征：

（一）形成较稳定的犯罪组织，人数较多，有明确的组织者、领导者，骨干成员基本固定；

（二）有组织地通过违法犯罪活动或者其他手段获取经济利益，具有一定的经济实力，以支持该组织的活动；

（三）以暴力、威胁或者其他手段，有组织地多次进行违法犯罪活动，为非作恶，欺压、残害群众；

（四）通过实施违法犯罪活动，或者

advantage of the harboring or connivance by the state functionaries, forming an illegal control or significant influence in a certain area or sector, which seriously disrupts the economic and social order.

Article 295 . Whoever teaches methods for committing a crime shall be sentenced to imprisonment of not more than 5 years, limited incarceration or probation; if the circumstances are serious, be sentenced to imprisonment of not less than 5 years but not more than 10 years; or if the circumstances are especially serious, be sentenced to imprisonment of not less than 10 years or life imprisonment.

Article 296 . Whoever holds an assembly, parade, demonstration without application in accordance with the law or without authorization after application, or does not carry it out in accordance with the beginning time and ending time, place, and road as permitted by authorities concerned, and refuses to obey an order to dismiss, thereby seriously sabotaging social order, those personnel who are in charge and those who are directly responsible are to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, probation or deprived of political rights.

Article 297 . Whoever violates laws and regulations by bringing with them weapons, controlled knives and tools or explosive articles to participate in an assembly, parade, demonstration is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation or deprived of political rights.

Article 298 . Whoever disturbs, collides, or sabotages with other methods the legally-held assembly, parade, demonstration, thereby giving rise to chaotic public order is to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, probation or deprived of political rights.

Article 299 . Whoever desecrates the national flag or the national emblem of the People's Republic of China on a public occasion by intentionally burning, mutilating, scrawling on, defiling, or trampling on it or otherwise shall be sentenced to imprisonment of not more than three years, limited incarceration, supervision without incarceration, or deprivation of political rights.

Whoever intentionally tampers with the lyrics or music of the national anthem of the People's Republic of China, plays or sings the national anthem in a manner of distortion or denigration, or otherwise desecrates the national anthem on a public occasion shall be punished under the preceding paragraph if the circumstances are serious.

利用国家工作人员的包庇或者纵容，称霸一方，在一定区域或者行业内，形成非法控制或者重大影响，严重破坏经济、社会生活秩序。

第二百九十五条 【传授犯罪方法罪】 传授犯罪方法的，处五年以下有期徒刑、拘役或者管制；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑或者无期徒刑。

第二百九十六条 【非法集会、游行、示威罪】 举行集会、游行、示威，未依照法律规定申请或者申请未获许可，或者未按照主管机关许可的起止时间、地点、路线进行，又拒不服从解散命令，严重破坏社会秩序的，对集会、游行、示威的负责人和直接责任人员，处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

第二百九十七条 【非法携带武器、管制刀具、爆炸物参加集会、游行、示威罪】 违反法律规定，携带武器、管制刀具或者爆炸物参加集会、游行、示威的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

第二百九十八条 【破坏集会、游行、示威罪】 扰乱、冲击或者以其他方法破坏依法举行的集会、游行、示威，造成公共秩序混乱的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

第二百九十九条 【侮辱国旗、国徽罪】 在公共场合，故意以焚烧、毁损、涂划、玷污、践踏等方式侮辱中华人民共和国国旗、国徽的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

在公共场合，故意篡改中华人民共和国国歌歌词、曲谱，以歪曲、贬损方式奏唱国歌，或者以其他方式侮辱国歌，情节严重的，依照前款的规定处罚。

Article 299 (I): Whoever, by insult, defamation or other means, infringes upon the reputation or honor of a hero or a martyr, causing any damage to social and public interests, shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years, limited incarceration, probation, or deprivation of political rights.

Article 300 . Whoever organizes or utilizes any superstitious sect, secret society, or cult organization or uses superstition to sabotage the implementation of any law or administrative regulation of the state shall be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine; if the circumstances are especially serious, be sentenced to imprisonment of not less than seven years or life imprisonment in addition to a fine or forfeiture of property; or if the circumstances are minor, be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights in addition to a fine or be sentenced to a fine only.

Whoever organizes or utilizes any superstitious sect, secret society, or cult organization or uses superstition to cheat any other person, which leads to the person's serious injury or death shall be punished in accordance with the provisions of the preceding paragraph.

Whoever also commits the crime of raping a woman or swindling any person of his or her property while committing a crime as mentioned in paragraph 1 shall be punished according to the provisions on the joinder of penalties for plural crimes.

Article 301 . Whoever takes a lead in assembling a crowd to engage in promiscuous activities or repeatedly participates in such activities is to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, or probation.

Whoever seduces minors to participate in mass promiscuous activities is to be severely punished in accordance with the previous paragraph.

Article 302 . Whoever steals, insults, or intentionally destroys a corpse, skeleton or remains shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance.

Article 303 . Whoever, for profits, gathers people to gamble or gambles professionally shall be sentenced to imprisonment of not more than three years, limited incarceration, or probation and a fine.

Whoever runs a gambling house shall be sentenced to imprisonment of not more than five years, limited incarceration, or probation and a fine; or if the circumstances are

第二百九十九条 之一 侮辱、诽谤或者以其他方式侵害英雄烈士的名誉、荣誉，损害社会公共利益，情节严重的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

第三百条 【组织、利用会道门、邪教组织、利用迷信破坏法律实施罪】组织、利用会道门、邪教组织或者利用迷信破坏国家法律、行政法规实施的，处三年以上七年以下有期徒刑，并处罚金；情节特别严重的，处七年以上有期徒刑或者无期徒刑，并处罚金或者没收财产；情节较轻的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利，并处或者单处罚金。

【组织、利用会道门、邪教组织、利用迷信致人重伤、死亡罪】组织、利用会道门、邪教组织或者利用迷信蒙骗他人，致人重伤、死亡的，依照前款的规定处罚。

犯第一款罪又有奸淫妇女、诈骗财物等犯罪行为的，依照数罪并罚的规定处罚。

第三百零一条 【聚众淫乱罪】聚众进行淫乱活动的，对首要分子或者多次参加的，处五年以下有期徒刑、拘役或者管制。

【引诱未成年人聚众淫乱罪】引诱未成年人参加聚众淫乱活动的，依照前款的规定从重处罚。

第三百零二条 【盗窃、侮辱、故意毁坏尸体、尸骨、骨灰罪】盗窃、侮辱、故意毁坏尸体、尸骨、骨灰的，处三年以下有期徒刑、拘役或者管制。

第三百零三条 【赌博罪】以营利为目的，聚众赌博或者以赌博为业的，处三年以下有期徒刑、拘役或者管制，并处罚金。

【开设赌场罪】开设赌场的，处五年以下有期徒刑、拘役或者管制，并处

serious, be sentenced to imprisonment of not less than five years nor more than ten years and a fine.

Whoever arranges for a citizen of the People's Republic of China to participate in gambling outside the country (or borders) shall, if the amount involved is huge or there is any other serious circumstance, be punished in accordance with the provision of the preceding paragraph.

Article 304 . Postal service personnel who are severely irresponsible, purposely delay sending mails thereby giving rise to great loss of public properties, interests of the state and people are to be sentenced to not more than two years of fixed-term imprisonment or limited incarceration.

Section 2 . Crimes of Disrupting Justice

Article 305 . During the course of criminal procedures, any witness, expert witness, recorder, translator who purposely makes false testimony, makes expert evaluation, records, translates with an intention to frame others or conceal criminal evidence in the circumstances which have an important bearing on a case is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the circumstances are severe, to not less than three years and not more than seven years of fixed-term imprisonment.

Article 306 . During the course of criminal procedure, any defender, law agent destroys, falsifies evidence, assist parties concerned in destroying, falsifying evidence, threatening, luring witnesses to contravene facts, change their testimony or make false testimony is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the circumstances are severe, to not less than three years and not more than seven years of fixed-term imprisonment.

If witnesses, testimonies, or other evidences provided, shown, used by a defender, law agent are not true but are not falsified purposely, they do not fall into the category of falsifying evidences.

Article 307 . Whoever stops with violence, threat, bribe, and other methods a witness to testify or instigates others to make false testimony is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the circumstances are severe, to not less than three years but not more than seven years of fixed-term imprisonment.

Whoever assists the parties concerned in destroying or falsifying evidences is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration if the circumstances are severe.

Any judicial personnel committing the crimes as stated in the previous two paragraphs is to be severely punished.

罚金；情节严重的，处五年以上十年以下有期徒刑，并处罚金。

组织中华人民共和国公民参与国（境）外赌博，数额巨大或者有其他严重情节的，依照前款的规定处罚。

第三百零四条 【故意延误投递邮件罪】邮政工作人员严重不负责任，故意延误投递邮件，致使公共财产、国家和人民利益遭受重大损失的，处二以下有期徒刑或者拘役。

第二节 妨害司法罪

第三百零五条 【伪证罪】在刑事诉讼中，证人、鉴定人、记录人、翻译人对与案件有重要关系的情节，故意作虚假证明、鉴定、记录、翻译，意图陷害他人或者隐匿罪证的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。

第三百零六条 【辩护人、诉讼代理人毁灭证据、伪造证据、妨害作证罪】在刑事诉讼中，辩护人、诉讼代理人毁灭、伪造证据，帮助当事人毁灭、伪造证据，威胁、引诱证人违背事实改变证言或者作伪证的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。

辩护人、诉讼代理人提供、出示、引用的证人证言或者其他证据失实，不是有意伪造的，不属于伪造证据。

第三百零七条 【妨害作证罪】以暴力、威胁、贿买等方法阻止证人作证或者指使他人作伪证的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。

【帮助毁灭、伪造证据罪】帮助当事人毁灭、伪造证据，情节严重的，处三年以下有期徒刑或者拘役。

司法工作人员犯前两款罪的，从重处罚。

Article 307 (I): Whoever files a civil lawsuit based on any fabricated facts, which disrupts the judicial order or seriously infringes upon any other person's lawful rights and interests shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or be sentenced to a fine only; or if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of the preceding paragraph.

Whoever commits any other crime while committing a crime of illegally occupying any other person's property or evading his or her lawful debts as mentioned in paragraph 1 shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Any judicial staff member who commits a crime as mentioned in the preceding three paragraphs with any other person by taking advantage of his or her power shall be given a heavier penalty; and if he or she commits any other crime at the same time, shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Article 308 . Whoever resorts to persecution and retaliation against a witness is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the circumstances are severe, to not less than three years and not more than seven years of fixed-term imprisonment.

Article 308 (I): Any judicial staff member, defender, litigation representative, or any litigation participant who discloses any information that shall not be disclosed in a case not tried in public in accordance with the law, thus causing public information dissemination or any other serious consequence shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or be sentenced to a fine only.

Whoever commits any conduct as mentioned in the preceding paragraph to divulge any state secret shall be convicted and punished in accordance with the provisions of Article 398 of this Law.

Whoever publicly discloses or reports any case information prescribed in paragraph 1 shall be punished in accordance with the provisions of paragraph 1 if the circumstances are serious.

Where an entity commits any crime as provided for in the preceding paragraph, the

第三百零七条 之一

【虚假诉讼罪】以捏造的事实提起民事诉讼，妨害司法秩序或者严重侵害他人合法权益的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

有第一款行为，非法占有他人财产或者逃避合法债务，又构成其他犯罪的，依照处罚较重的规定定罪从重处罚。

司法工作人员利用职权，与他人共同实施前三款行为的，从重处罚；同时构成其他犯罪的，依照处罚较重的规定定罪从重处罚。

第三百零八条 【打击报复证人罪】

对证人进行打击报复的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。

第三百零八条 之一 【泄露不应公开的案件信息罪】司法工作人员、辩护人、诉讼代理人或者其他诉讼参与人，泄露依法不公开审理的案件中不应公开的信息，造成信息公开传播或者其他严重后果的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金。

【故意泄露国家秘密罪】【过失泄露国家秘密罪】有前款行为，泄露国家秘密的，依照本法第三百九十八条的规定定罪处罚。

【披露、报道不应公开的案件信息罪】公开披露、报道第一款规定的案件信息，情节严重的，依照第一款的规定处罚。

单位犯前款罪的，对单位判处罚金，

entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished according to the provisions of paragraph 1.

Article 309 . Whoever falls under any of the following circumstances so that the order of the courtroom is disrupted shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or a fine.

(1) Assembling a crowd to clamor in a courtroom or attacking a courtroom.

(2) Assaulting any judicial staff member or litigation participant.

(3) Insulting, defaming or threatening any judicial staff member or litigation participant despite of court prohibition, which seriously disrupts the order of the courtroom.

(4) Destroying any of the facilities of the courtroom, grabbing or destroying any litigation documents, evidence or otherwise disrupts the order of the courtroom with serious circumstances.

Article 310 . Whoever provides a person who he clearly knows to be a convict with a hiding place, financial and material support, assists him to escape, hides, or protects him by falsifying evidence is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation; when the circumstances are severe, to not less than three years but not more than ten years of fixed-term imprisonment.

Whoever commits a crime as stated in the previous paragraph and conspires in advance is to be punished as committing a joint crime.

Article 311 . Whoever, being obviously aware of any other person's commission of a crime of espionage, terrorism or extremism, refuses to provide relevant information or evidence when a judicial authority investigates or collects relevant evidence shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance if the circumstances are serious.

Article 312 . Where anyone who obviously knows that the income or the proceeds are generated therefrom is obtained from the commission of any crime harbors, transfer, purchases or sells them as an agent or disguises or conceals them by any other means, he shall be sentenced to fixed-term imprisonment of not more than three years, limited incarceration, or probation, and/or shall be fined. If the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and shall be fined.

Where any entity commits the crime as described in the preceding paragraph, it shall

并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

第三百零九条 【扰乱法庭秩序罪】

有下列扰乱法庭秩序情形之一的，处三年以下有期徒刑、拘役、管制或者罚金：

（一）聚众哄闹、冲击法庭的；

（二）殴打司法工作人员或者诉讼参与人的；

（三）侮辱、诽谤、威胁司法工作人员或者诉讼参与人，不听法庭制止，严重扰乱法庭秩序的；

（四）有毁坏法庭设施，抢夺、损毁诉讼文书、证据等扰乱法庭秩序行为，情节严重的。

第三百一十条 【窝藏、包庇罪】

明知是犯罪的人而为其提供隐藏处所、财物，帮助其逃匿或者作假证明包庇的，处三年以下有期徒刑、拘役或者管制；情节严重的，处三年以上十年以下有期徒刑。

犯前款罪，事前通谋的，以共同犯罪论处。

第三百一十一条 【拒绝提供间谍犯罪、恐怖主义犯罪、极端主义犯罪证据罪】

明知他人有间谍犯罪或者恐怖主义、极端主义犯罪行为，在司法机关向其调查有关情况、收集有关证据时，拒绝提供，情节严重的，处三年以下有期徒刑、拘役或者管制。

第三百一十二条 【掩饰、隐瞒犯罪所得、犯罪所得收益罪】

明知是犯罪所得及其产生的收益而予以窝藏、转移、收购、代为销售或者以其他方法掩饰、隐瞒的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，

be fined, and the direct liable person in charge and other directly liable persons shall be punished under the preceding paragraph.

Article 313 . Whoever refuses to execute a judgment or ruling rendered by a people's court while he or she is able to do so shall be sentenced to imprisonment of not more than three years or limited incarceration or a fine if the circumstances are serious; or be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are especially serious.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of the preceding paragraph.

Article 314 . Whoever hides, transfers, sells off, purposely destroys property which is already sealed, seized, or frozen is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or be fined if the circumstances are severe.

Article 315 . Criminals who are already under legal custody and perform one of the following acts which sabotage supervision order are to be sentenced to not more than three years of fixed-term imprisonment if the circumstances are severe:

- (1) beat supervising personnel;
- (2) organize other people under supervision to sabotage supervision order;
- (3) assemble a crowd to make trouble, thereby disturbing normal supervision order;
- (4) beat, carry out corporal punishment on or instigate other people to beat, carry out corporal punishment on other people under supervision.

Article 316 . Criminals, defendants, criminal suspects who are already under custody in accordance with the law and who escape are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration.

Whoever seizes by force criminals, defendants, criminal suspects who are sent under escort is to be sentenced to not more than seven years of fixed-term imprisonment; when the circumstances are severe, to not less than seven years of fixed-term imprisonment.

Article 317 . Whoever takes a lead in organizing an attempt to escape from a prison or whoever takes an active part in the attempt is to be sentenced to not less than five years of fixed-term imprisonment; others who participate in the attempt to not more than five

并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第三百一十三条 【拒不执行判决、裁定罪】对人民法院的判决、裁定有能力执行而拒不执行，情节严重的，处三年以下有期徒刑、拘役或者罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第三百一十四条 【非法处置查封、扣押、冻结的财产罪】隐藏、转移、变卖、故意毁损已被司法机关查封、扣押、冻结的财产，情节严重的，处三年以下有期徒刑、拘役或者罚金。

第三百一十五条 【破坏监管秩序罪】依法被关押的罪犯，有下列破坏监管秩序行为之一，情节严重的，处三年以下有期徒刑：

- （一）殴打监管人员的；
- （二）组织其他被监管人破坏监管秩序的；
- （三）聚众闹事，扰乱正常监管秩序的；
- （四）殴打、体罚或者指使他人殴打、体罚其他被监管人的。

第三百一十六条 【脱逃罪】依法被关押的罪犯、被告人、犯罪嫌疑人脱逃的，处五年以下有期徒刑或者拘役。

【劫夺被押解人员罪】劫夺押解途中的罪犯、被告人、犯罪嫌疑人的，处三年以上七年以下有期徒刑；情节严重的，处七年以上有期徒刑。

第三百一十七条 【组织越狱罪】组织越狱的首要分子和积极参加的，处五年以上有期徒刑；其他参加的，处

years of fixed-term imprisonment or limited incarceration.

Whoever takes a lead in staging a riot to escape from a prison or in assembling a crowd to open a prison with tools or whoever takes an active part in the attempt is to be sentenced to not less than ten years of fixed-term imprisonment or life imprisonment; when the circumstances are particularly severe, to the death penalty; others who participate in the attempt to not less than three years and not more than ten years of fixed-term imprisonment.

Section 3 . Crimes of Disrupting Administration of the Border

Article 318 . Whoever organizes people to secretly cross the national boundary (border) shall be sentenced to not less than two years and not more than seven years of fixed- term imprisonment and a fine; or not less than seven years of fixed-term imprisonment or to life imprisonment, and may in addition be sentenced to a fine or confiscation of property for any of the following situations:

- (1) ringleader who organizes people to secretly cross the national boundary (border);
- (2) repeatedly organizing people to secretly cross the national boundary (border) or organizing a large number of people to secretly cross the national boundary (border);
- (3) causing serious injuries and deaths to the people being organized;
- (4) depriving or restricting personal freedom of the people being organized;
- (5) resisting investigation by violent or threatening methods;
- (6) obtaining huge amounts of illegal income;
- (7) other exceptionally serious circumstances.

Whoever commits the crimes mentioned in the preceding paragraph, killing, harming, raping, and kidnapping and selling the people being organized, or the crimes of killing and harming investigating personnel shall be punished in accordance with the stipulations concerning combined punishment for more than one crime.

Article 319 . Whoever defrauds people, in the name of labor export and economic and trade exchanges or for other reasons, of their exit documents such as passports and visas through fraud and deception for use in organizing people in the secret crossing of the national boundary (border) shall be sentenced to not more than three years of fixed-term imprisonment, and may in addition be sentenced to a fine; and when the circumstances are serious, not less than three years and not more than 10 years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Institutions which commit the crimes mentioned in the preceding paragraph shall be

五年以下有期徒刑或者拘役。

【暴动越狱罪】 【聚众持械劫狱罪】
暴动越狱或者聚众持械劫狱的首要分子和积极参加的，处十年以上有期徒刑或者无期徒刑；情节特别严重的，处死刑；其他参加的，处三年以上十年以下有期徒刑。

第三节 妨害国（边）境管理罪

第三百一十八条 【组织他人偷越国（边）境罪】组织他人偷越国（边）境的，处二年以上七年以下有期徒刑，并处罚金；有下列情形之一的，处七年以上有期徒刑或者无期徒刑，并处罚金或者没收财产：

- （一）组织他人偷越国（边）境集团的首要分子；
- （二）多次组织他人偷越国（边）境或者组织他人偷越国（边）境人数众多的；
- （三）造成被组织人重伤、死亡的；
- （四）剥夺或者限制被组织人人身自由的；
- （五）以暴力、威胁方法抗拒检查的；
- （六）违法所得数额巨大的；
- （七）有其他特别严重情节的。

犯前款罪，对被组织人有杀害、伤害、强奸、拐卖等犯罪行为，或者对检查人员有杀害、伤害等犯罪行为的，依照数罪并罚的规定处罚。

第三百一十九条 【骗取出境证件罪】以劳务输出、经贸往来或者其他名义，弄虚作假，骗取护照、签证等出境证件，为组织他人偷越国（边）境使用的，处三年以下有期徒刑，并处罚金；情节严重的，处三年以上十年以下有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，

sentenced to a fine, and principal personnel directly responsible for the crime and other personnel with direct responsibility shall be punished in accordance with the stipulations of the preceding paragraph.

Article 320 . Whoever provides fake and altered exit and entry documents such as passports and visas, or sells exit and entry documents such as passports and visas, shall be sentenced to not more than five years of fixed-term imprisonment, and may in addition be sentenced to a fine; and when the circumstances are serious, not less than five years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Article 321 . Whoever transports people secretly across the national boundary (border) shall be sentenced to not more than five years of fixed-term imprisonment and limited incarceration or probation, and may in addition be sentenced to a fine; or not less than five years and not more than 10 years of fixed-term imprisonment and a fine for any of the following situations:

- (1) repeatedly involving in transporting activities or transporting a large number of people;
- (2) using transportation means such as ships and vehicles that do not meet essential safety conditions and that are sufficient to cause serious consequences;
- (3) obtaining huge amount of illegal income;
- (4) other exceptionally serious circumstances.

Whoever, in the course of transporting people secretly across the national boundary (border), causes heavy injuries and deaths to the people being transported or resists investigation by violent and threatening methods shall be sentenced to not less than seven years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Whoever commits the crimes mentioned in the two preceding paragraphs by killing, harming, raping, and kidnapping and selling the people being transported; or the crimes of killing and harming investigating personnel shall be punished in accordance with the stipulations concerning combined punishment for more than one crime.

Article 322 . Whoever secretly crosses China's frontier (border) in violation of the provisions on frontier (border) administration shall be sentenced to imprisonment of not more than one year, limited incarceration or surveillance in addition to a fine if the circumstances are serious; and whoever secretly crosses China's frontier (border) for the purpose of joining a terrorist organization, receiving training on terrorist activities or conducting terrorist activities shall be sentenced to imprisonment of not less than one year but not more than three years in addition to a fine.

Article 323 . Whoever intentionally sabotages boundary tablets, boundary markers or

并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第三百二十条 【提供伪造、变造的出入境证件罪】 【出售出入境证件罪】为他人提供伪造、变造的护照、签证等出入境证件，或者出售护照、签证等出入境证件的，处五年以下有期徒刑，并处罚金；情节严重的，处五年以上有期徒刑，并处罚金。

第三百二十一条 【运送他人偷越国（边）境罪】运送他人偷越国（边）境的，处五年以下有期徒刑、拘役或者管制，并处罚金；有下列情形之一的，处五年以上十年以下有期徒刑，并处罚金：

（一）多次实施运送行为或者运送人数众多的；

（二）所使用的船只、车辆等交通工具不具备必要的安全条件，足以造成严重后果的；

（三）违法所得数额巨大的；

（四）有其他特别严重情节的。

在运送他人偷越国（边）境中造成被运送人重伤、死亡，或者以暴力、威胁方法抗拒检查的，处七年以上有期徒刑，并处罚金。

犯前两款罪，对被运送人有杀害、伤害、强奸、拐卖等犯罪行为，或者对检查人员有杀害、伤害等犯罪行为的，依照数罪并罚的规定处罚。

第三百二十二条 【偷越国（边）境罪】违反国（边）境管理法规，偷越国（边）境，情节严重的，处一年以下有期徒刑、拘役或者管制，并处罚金；为参加恐怖活动组织、接受恐怖活动培训或者实施恐怖活动，偷越国（边）境的，处一年以上三年以下有期徒刑，并处罚金。

第三百二十三条 【破坏界碑、界桩

survey indicators of a permanent nature along the borders of the country shall be sentenced to not more than three years of fixed-term imprisonment or limited incarceration.

Section 4 . Crimes of Disrupting Administration of Cultural Relics

Article 324 . Whoever intentionally destroys precious cultural relics under state protection or designated cultural relics of state institutions for protecting major cultural relics and provincial-level cultural relics protection departments shall be sentenced to not more than three years in fixed-term imprisonment or limited incarceration, and may in addition or exclusively be sentenced to a fine; or when the circumstances are serious, not less than three years and not more than 10 years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Whoever intentionally destroys state-protected places of historical interest or scenic beauty, and when the circumstances are serious, shall be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and may in addition or exclusively be sentenced to a fine.

Whoever, through negligence, destroys precious cultural relics under state protection or designated cultural relics of state institutions for protecting major cultural relics and provincial-level cultural relics protection departments shall be sentenced to not more than three years in fixed-term imprisonment or limited incarceration.

Article 325 . Whoever violates laws and regulations on cultural relics protection by secretly selling or giving to foreigners his or her collection of precious cultural relics, the export of which is banned by the state shall be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and may in addition be sentenced to a fine.

Institutions which commit the crime mentioned in the preceding paragraph shall be sentenced to a fine, and principal personnel directly responsible for the crime and other personnel with direct responsibility shall be punished in accordance with the stipulations of the preceding paragraph.

Article 326 . Whoever, for the purpose of reaping profits, resells cultural relics, the transaction of which is banned by the state and when the circumstances are serious, shall be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and may in addition be sentenced to a fine, or when the circumstances are exceptionally serious, not less than five years and not more than 10 years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Institutions which commit the crime mentioned in the preceding paragraph shall be sentenced to a fine, and principal personnel directly responsible for the crime and other personnel with direct responsibility shall be punished in accordance with the stipulations of the preceding paragraph.

罪】【破坏永久性测量标志罪】故意破坏国家边境的界碑、界桩或者永久性测量标志的，处三年以下有期徒刑或者拘役。

第四节 妨害文物管理罪

第三百二十四条 【故意损毁文物罪】

故意损毁国家保护的珍贵文物或者被确定为全国重点文物保护单位、省级文物保护单位的文物的，处三年以下有期徒刑或者拘役，并处或者单处罚金；情节严重的，处三年以上十年以下有期徒刑，并处罚金。

【故意损毁名胜古迹罪】故意损毁国家保护的名胜古迹，情节严重的，处五年以下有期徒刑或者拘役，并处或者单处罚金。

【过失损毁文物罪】过失损毁国家保护的珍贵文物或者被确定为全国重点文物保护单位、省级文物保护单位的文物，造成严重后果的，处三年以下有期徒刑或者拘役。

第三百二十五条 【非法向外国人出售、赠送珍贵文物罪】违反文物保护法规，将收藏的国家禁止出口的珍贵文物私自出售或者私自赠送给外国人的，处五年以下有期徒刑或者拘役，可以并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第三百二十六条 【倒卖文物罪】以牟利为目的，倒卖国家禁止经营的文物，情节严重的，处五年以下有期徒刑或者拘役，并处罚金；情节特别严重的，处五年以上十年以下有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Article 327 . States-owned museums, libraries, and other units that violate the laws and regulations on protection of cultural relics, selling or giving without permission cultural relic objects under state protection to non-state- owned units or individuals are to be sentenced to a fine and persons in direct charge of the units and other persons directly involved in the case for responsibility are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration.

Article 328 . Whoever robs any site of ancient culture or ancient tomb of a historical, artistic or scientific value shall be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine; if the circumstances are minor, be sentenced to imprisonment of not more than 3 years, limited incarceration or probation and a fine; or under any of the following circumstances, be sentenced to imprisonment of not less than 10 years or life imprisonment and a fine or forfeiture of property:

- (1) Robbing any site of ancient culture or ancient tomb which has been determined as a key cultural relic under the protection of the state or a cultural relic under the protection of a province;
- (2) Being a ringleader of a group of robbers of sites of ancient culture and ancient tombs;
- (3) Having robbed sites of ancient culture and ancient tombs many times; or
- (4) Robbing a site of ancient culture or ancient tomb of valuable cultural relics or causing severe damage to valuable cultural relics.

Whoever robs ancient human fossils and ancient vertebrate fossils that have scientific value is to be punished according to the provisions of the preceding article.

Article 329 . Whoever seizes and steals state-owned records is to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration.

Whoever violates the provisions of the Archives Law , selling and transferring state-owned records without authorization and when the circumstances are serious is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration.

Whoever commits the preceding two acts and at the same time, they form the other crimes specified in this law is to be convicted and punished according to the provisions

第三百二十七条

【非法出售、私赠文物藏品罪】违反文物保护法规，国有博物馆、图书馆等单位将国家保护的文物藏品出售或者私自送给非国有单位或者个人的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役。

第三百二十八条 【盗掘古文化遗址、古墓葬罪】盗掘具有历史、艺术、科学价值的古文化遗址、古墓葬的，处三年以上十年以下有期徒刑，并处罚金；情节较轻的，处三年以下有期徒刑、拘役或者管制，并处罚金；有下列情形之一的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产：

- （一）盗掘确定为全国重点文物保护单位和省级文物保护单位的古文化遗址、古墓葬的；
- （二）盗掘古文化遗址、古墓葬集团的首要分子；
- （三）多次盗掘古文化遗址、古墓葬的；
- （四）盗掘古文化遗址、古墓葬，并盗窃珍贵文物或者造成珍贵文物严重破坏的。

【盗掘古人类化石、古脊椎动物化石罪】盗掘国家保护的具有科学价值的古人类化石和古脊椎动物化石的，依照前款的规定处罚。

第三百二十九条 【抢夺、窃取国有档案罪】抢夺、窃取国家所有的档案的，处五年以下有期徒刑或者拘役。

【擅自出卖、转让国有档案罪】违反档案法的规定，擅自出卖、转让国家所有的档案，情节严重的，处三年以下有期徒刑或者拘役。

有前两款行为，同时又构成本法规定的其他犯罪的，依照处罚较重的规定

that provide relatively severe punishment.

Section 5 . Crimes of Endangering Public Health

Article 330 . Whoever, in violation of the provisions of the [Law on the Prevention and Treatment of Infectious Diseases](#) , falls under any of the following circumstances, causing the spread, or posing a grave danger of the spread, of a Category A infectious disease or an infectious disease against which the measures for the prevention and treatment of Category A infectious diseases shall be taken as determined in accordance with the law shall be sentenced to imprisonment of not more than three years or limited incarceration; or if the consequences are especially serious, be sentenced to imprisonment of not less than three years nor more than seven years:

- (1) The failure of the drinking water supplied by a water supplier to meet the hygienic standards of the state.
- (2) Refusing to disinfect sewage, wastes, places, and articles contaminated by pathogens of an infectious disease according to the hygienic requirements of the disease prevention and control institution.
- (3) Permitting or conniving at the engagement of any patient, pathogen carrier, or suspected patient of an infectious disease in any work that tends to cause the spread of the infectious disease as prohibited by the health administrative department of the State Council.
- (4) Selling or transporting any articles that are or may be contaminated by the pathogens of an infectious disease in an epidemic area without disinfection of them.
- (5) Refusing to execute the prevention and control measures required by the people's government at or above the county level or the disease prevention and control institution in accordance with the [Law on the Prevention and Treatment of Infectious Diseases](#) .

Any unit that commits the preceding crimes is to be sentenced to a fine and the person in direct charge of the unit and other persons directly involved in the case for responsibility are to be punished according to the provisions of the preceding article.

The scope of A-category contagious diseases is determined in accordance with the " The Law of the People's Republic of China on Prevention and Cure of Contagious Diseases " and the relevant provisions of the State Council.

Article 331 . Personnel engaged in the testing, storage, carriage, and transporting of contagious diseases' bacterial spawns and viruses violate the relevant provisions of the public health administrative departments of the State Council, causing the spread of contagious diseases' bacterial spawns and viruses and resulting in serious consequences are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the consequences are particularly serious, the sentence is to be not less than three years and not more than seven years of fixed-

定罪处罚。

第五节 危害公共卫生罪

第三百三十条 【妨害传染病防治罪】 违反[传染病防治法](#)的规定,有下列情形之一,引起甲类传染病以及依法确定采取甲类传染病预防、控制措施的传染病传播或者有传播严重危险的,处三年以下有期徒刑或者拘役;后果特别严重的,处三年以上七年以下有期徒刑:

- (一) 供水单位供应的饮用水不符合国家规定的卫生标准的;
- (二) 拒绝按照疾病预防控制机构提出的卫生要求,对传染病病原体污染的污水、污物、场所和物品进行消毒处理的;
- (三) 准许或者纵容传染病病人、病原携带者和疑似传染病病人从事国务院卫生行政部门规定禁止从事的易使该传染病扩散的工作的;
- (四) 出售、运输疫区中被传染病病原体污染或者可能被传染病病原体污染的物品,未进行消毒处理的;
- (五) 拒绝执行县级以上人民政府、疾病预防控制机构依照[传染病防治法](#)提出的预防、控制措施的。

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。

甲类传染病的范围,依照《[中华人民共和国传染病防治法](#)》和国务院有关规定确定。

第三百三十一条 【传染病菌种、毒种扩散罪】 从事实验、保藏、携带、运输传染病菌种、毒种的人员,违反国务院卫生行政部门的有关规定,造成传染病菌种、毒种扩散,后果严重的,处三年以下有期徒刑或者拘役;后果特别严重的,处三年以上七年以

term imprisonment.

Article 332 . Whoever violates national border health and quarantine regulations, causing the spread of quarantined contagious diseases or a serious danger of spreading them, is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration, and may in addition or exclusively be sentenced to a fine.

A unit which violates the crime of the preceding paragraph shall be sentenced to a fine, and principal personnel directly responsible to the unit and other personnel with direct responsibility shall be penalized in accordance with the stipulations of the preceding paragraph.

Article 333 . Whoever sells blood illegally by involving others shall be sentenced to not more than five years of fixed-term imprisonment and a fine. Whoever, by violent and threatening methods, forces others to sell blood shall be sentenced to not less than five years and not more than 10 years of fixed-term imprisonment and a fine.

Whoever causes harm to others through the act mentioned in the preceding paragraph shall be convicted and fined in accordance to stipulations of Article 234 of this law.

Article 334 . Whoever illegally collects and supplies or produces and supplies blood products that do not meet state- stipulated standards, and enough to endanger human health, shall be sentenced to not more than five years of fixed-term imprisonment or limited incarceration and a fine. Whoever causes serious harm to human health shall be sentenced to not less than five years and not more than 10 years of fixed-term imprisonment and a fine; and for whoever causes exceptionally serious consequences, a sentence of not less than 10 years of fixed-term imprisonment or life imprisonment, and may in addition be sentenced to a fine or confiscation of property.

Departments that have approval from principal state departments to collect and supply blood or produce and supply blood products but do not conduct inspection and tests in accordance with stipulations or violate other operations specifications, causing harm to human health, the unit concerned shall be fined, and principal personnel directly responsible to the unit and other personnel with direct responsibility shall be sentenced to not more than five years of fixed-term imprisonment or limited incarceration.

Article 334 (I): Whoever, in violation of the relevant provisions issued by the state, illegally collects the human genetic resources of China or illegally transports, mails, or carries the human genetic materials of China out of China, endangering public health

下有期徒刑。

第三百三十二条 【妨害国境卫生检疫罪】违反国境卫生检疫规定，引起检疫传染病传播或者有传播严重危险的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第三百三十三条 【非法组织卖血罪】
【强迫卖血罪】非法组织他人出卖血液的，处五年以下有期徒刑，并处罚金；以暴力、威胁方法强迫他人出卖血液的，处五年以上十年以下有期徒刑，并处罚金。

有前款行为，对他人造成伤害的，依照本法第二百三十四条的规定定罪处罚。

第三百三十四条 【非法采集、供应血液、制作、供应血液制品罪】非法采集、供应血液或者制作、供应血液制品，不符合国家规定的标准，足以危害人体健康的，处五年以下有期徒刑或者拘役，并处罚金；对人体健康造成严重危害的，处五年以上十年以下有期徒刑，并处罚金；造成特别严重后果的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

【采集、供应血液、制作、供应血液制品事故罪】经国家主管部门批准采集、供应血液或者制作、供应血液制品的部门，不依照规定进行检测或者违背其他操作规定，造成危害他人身体健康后果的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役。

第三百三十四条 之一 违反国家有关规定，非法采集我国人类遗传资源或者非法运送、邮寄、携带我国人类遗

or social and public interests, shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years, limited incarceration, or probation and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than three years nor more than seven years and a fine.

Article 335 . Medical personnel who fail seriously to carry out their responsibility, causing the death of patients or serious harm to the health of patients shall be sentenced to not more than three years of fixed-term imprisonment or limited incarceration.

Article 336 . Whoever illegally engages in medical practice without obtaining the qualification for medical practice, and when the circumstances are serious, shall be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation, and may in addition or exclusively be sentenced to a fine. Whoever causes serious harm to the health of patients shall be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment, and a fine. Whoever causes the death of patients shall be sentenced to not less than 10 years of fixed-term imprisonment and a fine.

Whoever conducts unauthorized birth control reversal surgery, fake birth control surgery, and pregnancy termination surgery, or takes out birth control devices from the womb, and when the circumstances are serious, shall be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation, and may in addition or exclusively be sentenced to a fine. Whoever causes serious harm to the health of patients shall be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment and a fine. Whoever causes the death of patients shall be sentenced to not less than 10 years of fixed-term imprisonment and a fine.

Article 336 (I): Whoever implants any genetically edited or cloned human embryo into the body of a human being or animal or implants any genetically edited or cloned animal embryo into the body of a human being shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than three years nor more than seven years and a fine.

Article 337 . Whoever, in violation of the relevant state provisions on animal and plant epidemic prevention and quarantine, causes a serious animal or plant epidemic or the risk of a serious animal or plant epidemic shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than three years or limited incarceration, and/or be fined.

Units that commit the crime of the preceding paragraph shall be sentenced to a fine,

传资源材料出境，危害公众健康或者社会公共利益，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

第三百三十五条 【医疗事故罪】医务人员由于严重不负责任，造成就诊人死亡或者严重损害就诊人身体健康的，处三年以下有期徒刑或者拘役。

第三百三十六条 【非法行医罪】未取得医生执业资格的人非法行医，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；严重损害就诊人身体健康的，处三年以上十年以下有期徒刑，并处罚金；造成就诊人死亡的，处十年以上有期徒刑，并处罚金。

【非法进行节育手术罪】未取得医生执业资格的人擅自为他人进行节育复通手术、假节育手术、终止妊娠手术或者摘取宫内节育器，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；严重损害就诊人身体健康的，处三年以上十年以下有期徒刑，并处罚金；造成就诊人死亡的，处十年以上有期徒刑，并处罚金。

第三百三十六条 之一 将基因编辑、克隆的人类胚胎植入人体或者动物体内，或者将基因编辑、克隆的动物胚胎植入人体内，情节严重的，处三年以下有期徒刑或者拘役，并处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

第三百三十七条 【妨害动植物防疫、检疫罪】违反有关动植物防疫、检疫的国家规定，引起重大动植物疫情的，或者有引起重大动植物疫情危险，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

单位犯前款罪的，对单位判处罚金，

and principal personnel directly responsible to the unit and other personnel with direct responsibility shall be penalized in accordance with the stipulations of the preceding paragraph.

Section 6 . Crimes of Undermining Protection of Environmental Resources

Article 338 . Whoever, in violation of the provisions issued by the state, discharges, dumps, or disposes of any radioactive waste, waste containing pathogens of an infectious disease, poisonous substance, or other hazardous substance, causing serious environmental pollution, shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only; if the circumstances are serious, be sentenced to imprisonment of not less than three years nor more than seven years and a fine; or under any of the following circumstances, be sentenced to imprisonment of not less than seven years and a fine:

(1) Discharging, dumping, or disposing of any radioactive waste, waste containing pathogens of an infectious disease, or poisonous substance to a drinking water source protection area, the core protective area of a nature reserve, or any other key protective area determined in accordance with the law, with especially serious circumstances.

(2) Discharging, dumping, or disposing of any radioactive waste, waste containing pathogens of an infectious disease, or poisonous substance to any water area of important rivers and lakes determined by the state, with especially serious circumstances.

(3) Causing the loss of basic functions of, or any permanent damage to, large amounts of permanent basic farmland.

(4) Causing any serious injury or serious illness to many people or causing any serious disability or the death of a person.

Whoever commits any conduct set forth in the preceding paragraph, which concurrently constitutes any other crime, shall be convicted and punished in accordance with the provisions on the heavier punishment.

Article 339 . Those who dump, store or process solid waste from abroad in the country in violation of state regulations are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and in addition be sentenced to a fine. Those whose acts cause serious environmental pollution and major damages to public or private properties or seriously endanger people's health are to be punished by sentence of not less than five years and not more than 10 years of fixed-term imprisonment, and in addition be sentenced to a fine. Those whose acts have especially serious consequences are to be sentenced to more than 10 years of fixed-term imprisonment, and in addition be sentenced to a fine.

Those who import solid waste as raw material without the approval of concerned administrative department of the State Council and cause serious environmental

并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第六节 破坏环境资源保护罪

第三百三十八条 【污染环境罪】违反国家规定，排放、倾倒或者处置有放射性的废物、含传染病病原体的废物、有毒物质或者其他有害物质，严重污染环境的，处三年以下有期徒刑或者拘役，并处或者单处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金；有下列情形之一的，处七年以上有期徒刑，并处罚金：

（一）在饮用水水源保护区、自然保护区核心保护区等依法确定的重点保护区域排放、倾倒、处置有放射性的废物、含传染病病原体的废物、有毒物质，情节特别严重的；

（二）向国家确定的重要江河、湖泊水域排放、倾倒、处置有放射性的废物、含传染病病原体的废物、有毒物质，情节特别严重的；

（三）致使大量永久基本农田基本功能丧失或者遭受永久性破坏的；

（四）致使多人重伤、严重疾病，或者致人严重残疾、死亡的。

有前款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

第三百三十九条 【非法处置进口的固体废物罪】违反国家规定，将境外的固体废物进境倾倒、堆放、处置的，处五年以下有期徒刑或者拘役，并处罚金；造成重大环境污染事故，致使公私财产遭受重大损失或者严重危害人体健康的，处五年以上十年以下有期徒刑，并处罚金；后果特别严重的，处十年以上有期徒刑，并处罚金。

【擅自进口固体废物罪】未经国务院有关主管部门许可，擅自进口固体废

pollution, major damages to public or private properties and or seriously endanger people's health are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and in addition be sentenced to a fine.

Whoever, under the pretext of using as raw materials, imports solid, liquid or gaseous waste that cannot be used as raw materials shall be convicted and punished in accordance with the Paragraphs 2 and 3 of Article 152 of this Law.

Article 340 . Those who violate laws and regulations to protect aquatic products and catch aquatic products in forbidden areas or forbidden periods or use tools and methods in violation of regulations in a serious nature are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration or probation, and may in addition be sentenced to a fine.

Article 341 . Those who illegally hunt and kill rare and endangered wild animals which are under the state key protection plan or illegally purchase, transport or sell those rare and endangered wild animals and their manufactured products are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and may in addition be sentenced to a fine. In serious cases, those law offenders are to be sentenced to not less than five years and not more than 10 years of fixed-term imprisonment, and may in addition be sentenced to a fine. In especially serious cases, those law offenders are to be sentenced to more than 10 years of fixed-term imprisonment, and in addition be sentenced to a fine and confiscation of their properties.

Those who violate hunting law and regulations and use tools and methods which are forbidden to be used in no- hunting zones or periods and thus damage the source of wild animals and if the situation is serious are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration or probation, and in addition be sentenced to a fine.

Whoever, in violation of the legislation on the administration of wild animal protection, illegally hunts, purchases, transports, or sells terrestrial wild animals that grow and reproduce naturally in the wild other than those set forth in paragraph 1 for the purpose of eating shall, if the circumstances are serious, be punished in accordance with the provision of the preceding paragraph.

Article 342 . Whoever, in violation of the regulations on land administration, unlawfully occupies cultivated land, forestland or other land used for agriculture, and change the use of the occupied land, if the area involved is relatively large and a large area of such land is damaged, shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration and shall also, or shall only be fined.

物用作原料,造成重大环境污染事故,致使公私财产遭受重大损失或者严重危害人体健康的,处五年以下有期徒刑或者拘役,并处罚金;后果特别严重的,处五年以上十年以下有期徒刑,并处罚金。

以原料利用为名,进口不能用作原料的固体废物、液态废物和气态废物的,依照本法第一百五十二条第二款、第三款的规定定罪处罚。

第三百四十条 【非法捕捞水产品罪】违反保护水产资源法规,在禁渔区、禁渔期或者使用禁用的工具、方法捕捞水产品,情节严重的,处三年以下有期徒刑、拘役、管制或者罚金。

第三百四十一条 【非法猎捕、杀害珍贵、濒危野生动物罪】【非法收购、运输、出售珍贵、濒危野生动物、珍贵、濒危野生动物制品罪】非法猎捕、杀害国家重点保护的珍贵、濒危野生动物的,或者非法收购、运输、出售国家重点保护的珍贵、濒危野生动物及其制品的,处五年以下有期徒刑或者拘役,并处罚金;情节严重的,处五年以上十年以下有期徒刑,并处罚金;情节特别严重的,处十年以上有期徒刑,并处罚金或者没收财产。

【非法狩猎罪】违反狩猎法规,在禁猎区、禁猎期或者使用禁用的工具、方法进行狩猎,破坏野生动物资源,情节严重的,处三年以下有期徒刑、拘役、管制或者罚金。

违反野生动物保护管理法规,以食用为目的非法猎捕、收购、运输、出售第一款规定以外的在野外环境自然生长繁殖的陆生野生动物,情节严重的,依照前款的规定处罚。

第三百四十二条 【非法占用农用地罪】违反土地管理法规,非法占用耕地、林地等农用地,改变被占用土地用途,数量较大,造成耕地、林地等农用地大量毁坏的,处五年以下有期

Article 342 (I): Whoever, in violation of the legislation on the administration of nature reserves, conducts any activity of reclamation or development or constructs any building in a national park or national nature reserve shall, if the consequences are serious or there is any other execrable circumstance, be sentenced to imprisonment of not more than five years or limited incarceration and a fine or be sentenced to a fine only.

Whoever commits any conduct set forth in the preceding paragraph, which concurrently constitutes any other crime, shall be convicted and punished in accordance with the provisions on the heavier punishment.

Article 343 . Whoever, in violation of the [Mineral Resources Law](#), engages in mining without a mining permit, enters a mining area under state planning, a mining area of great value to the national economy or a mining area of any other person to engage in mining without approval, or engages in mining of a special mineral which is subject to protective excavation according to the state provisions without approval shall be sentenced to imprisonment of not more than 3 years, limited incarceration or probation and/or a fine if the circumstances are serious; or if the circumstances are especially serious, be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine.

Those who violate the stipulations of [Mineral Resources Law](#) and use destructive mining methods to tap mineral resources and have caused serious damages to mineral resources are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and in addition be sentenced to a fine.

Article 344 . Whoever, in violation of the provisions of the state, illegally fells or destroys precious trees or other plants subject to key protection of the state, or illegally purchases, transports, processes or sells precious trees or other plants subject to key protection of the state or the products processed therefrom, shall be sentenced to fixed-term imprisonment of not more than three years, limited incarceration or public surveillance, and shall also be fined; if the circumstance is serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Article 344 (I): Whoever, in violation of the provisions issued by the state, illegally introduces, releases, or discards any invasive alien species shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only.

徒刑或者拘役，并处或者单处罚金。

第三百四十二条 之一 违反自然保护地管理法规，在国家公园、国家级自然保护区进行开垦、开发活动或者修建建筑物，造成严重后果或者有其他恶劣情节的，处五年以下有期徒刑或者拘役，并处或者单处罚金。

有前款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

第三百四十三条 【非法采矿罪】违反[矿产资源法](#)的规定，未取得采矿许可证擅自采矿，擅自进入国家规划矿区、对国民经济具有重要价值的矿区和他人矿区范围采矿，或者擅自开采国家规定实行保护性开采的特定矿种，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

【破坏性采矿罪】违反[矿产资源法](#)的规定，采取破坏性的开采方法开采矿产资源，造成矿产资源严重破坏的，处五年以下有期徒刑或者拘役，并处罚金。

第三百四十四条 【非法采伐、毁坏国家重点保护植物罪】【非法收购、运输、加工、出售国家重点保护植物、国家重点保护植物制品罪】违反国家规定，非法采伐、毁坏珍贵树木或者国家重点保护的其他植物的，或者非法收购、运输、加工、出售珍贵树木或者国家重点保护的其他植物及其制品的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

第三百四十四条 之一 违反国家规定，非法引进、释放或者丢弃外来入侵物种，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

Article 345 . Whoever stealthily fells trees or other woods, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years, limited incarceration or public surveillance and shall also, or shall only, be fined; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined; if the amount involved is especially huge, he shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be fined.

Whoever, in violation of the provisions of the [Forestry Law](#) , arbitrarily fells trees or other woods, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years, limited incarceration or public surveillance and shall also, or shall only, be fined; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Whoever illegally purchases or transports trees or woods, which he knows are felled stealthily or arbitrarily, if the circumstance is serious, shall be sentenced to fixed-term imprisonment of not more than three years, limited incarceration or public surveillance and shall also, or shall only, be fined; if the circumstance is especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Whoever stealthily or arbitrarily fells trees or woods in any nature reserve at the national level shall be given a heavier punishment.

Article 346 . If a unit commits the crimes stipulated in Article 338 to 345, the unit will be sentenced to a fine, while the leading person with direct responsibility and other personnel directly responsible for such violations are to be punished in accordance with the stipulations of related articles.

Section 7 . Crimes of Smuggling, Trafficking, Transporting and Manufacturing Drugs

Article 347 . Those who commit the crimes of smuggling, trafficking, transporting and manufacturing drugs, regardless of the quantity of drugs, shall be investigated for their criminal responsibility and punished according to the [Criminal Law](#) .

Those who smuggle, traffic, transport or manufacture drugs with one of the following conditions are to be punished by 15 years of fixed-term imprisonment, life imprisonment or death sentence, and, in addition, confiscation of their properties:

(1) Smuggling, trafficking, transporting or manufacturing opium with a quantity of more than 1,000 grams [ke 0344], heroin or methylaniline [jia ji ben bing an 3946 1015 0058 0014 5143] with a quantity of more than 50 grams or other narcotics with a large quantify;

第三百四十五条

【盗伐林木罪】盗伐森林或者其他林木，数量较大的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；数量巨大的，处三年以上七年以下有期徒刑，并处罚金；数量特别巨大的，处七年以上有期徒刑，并处罚金。

【滥伐林木罪】违反[森林法](#)的规定，滥伐森林或者其他林木，数量较大的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；数量巨大的，处三年以上七年以下有期徒刑，并处罚金。

【非法收购、运输盗伐、滥伐的林木罪】非法收购、运输明知是盗伐、滥伐的林木，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

盗伐、滥伐国家级自然保护区内的森林或者其他林木的，从重处罚。

第三百四十六条 【单位犯破坏环境资源罪的处罚规定】单位犯本节第三百三十八条至第三百四十五条规定之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照本节各该条的规定处罚。

第七节 走私、贩卖、运输、制造毒品罪

第三百四十七条 【走私、贩卖、运输、制造毒品罪】走私、贩卖、运输、制造毒品，无论数量多少，都应当追究刑事责任，予以刑事处罚。

走私、贩卖、运输、制造毒品，有下列情形之一的，处十五年有期徒刑、无期徒刑或者死刑，并处没收财产：

（一）走私、贩卖、运输、制造鸦片一千克以上、海洛因或者甲基苯丙胺五十克以上或者其他毒品数量大的；

(2) The principal leaders of criminal groups engaged in smuggling, trafficking, transporting and manufacturing drugs;

(3) Those who use arms to cover up smuggling, trafficking, transporting and manufacturing drugs;

(4) Those who use violence to resist inspection, detention or arrest in serious situation; and

(5) Those who take part in organized international drug trafficking activities.

Those who smuggle, traffic, transport or manufacture opium with a quantity less than 1,000 grams but more than 200 grams, those who smuggle, traffic, transport or manufacture heroin or methylaniline with a quantity less than 50 grams but more than 10 grams, and those who deal with other drugs in large quantity are to be sentenced to more than seven years of fixed-term imprisonment and, in addition, be sentenced to a fine.

Those who smuggle, traffic, transport or manufacture opium with a quantity less than 200 grams, those who smuggle, traffic, transport or manufacture heroin or methylaniline with a quantity less than 10 grams, or those who deal with a small quantity of other drugs are to be sentenced to less than three years of fixed-term imprisonment, limited incarceration or probation, and, in addition, be sentenced to a fine. In more serious cases, those law offenders are to be sentenced to more than three years but less than seven years of fixed-term imprisonment and, in addition, be sentenced to a fine.

Units which commit the crimes as stated in (2), (3) and (4) above are to be penalized with a fine. Their leading personnel directly responsible for those acts and other directly responsible personnel are to be punished in accordance with the above sections of this article.

Those who utilize or urge youngsters to engage in smuggling, trafficking, transporting or manufacturing drugs or selling drugs to youngsters are to be punished in a heavier manner.

As to those who commit crimes repeatedly, the quantities of drugs involved in smuggling, trafficking, transporting and manufacturing will be combined in the judgment for sentencing.

Article 348 . Those who illegally hold more than 1,000 grams of opium or more than 50 grams of heroin or methylaniline or large quantities of other drugs are to be sentenced to more than seven years of fixed-term imprisonment or life imprisonment and, in addition, be sentenced to a fine. Those who illegally hold more than 200 grams but less than 1,000 grams of opium or hold more than 10 grams of heroin but less than 50 grams of methylaniline or hold a large quantity of other drugs are to be sentenced to less than three years of fixed-term imprisonment or limited incarceration or probation and, in addition, be sentenced to paying a fine. In serious cases, the law offenders are

(二) 走私、贩卖、运输、制造毒品集团的首要分子;

(三) 武装掩护走私、贩卖、运输、制造毒品的;

(四) 以暴力抗拒检查、拘留、逮捕,情节严重的;

(五) 参与有组织的国际贩毒活动的。

走私、贩卖、运输、制造鸦片二百克以上不满一千克、海洛因或者甲基苯丙胺十克以上不满五十克或者其他毒品数量较大的,处七年以上有期徒刑,并处罚金。

走私、贩卖、运输、制造鸦片不满二百克、海洛因或者甲基苯丙胺不满十克或者其他少量毒品的,处三年以下有期徒刑、拘役或者管制,并处罚金;情节严重的,处三年以上七年以下有期徒刑,并处罚金。

单位犯第二款、第三款、第四款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照各该款的规定处罚。

利用、教唆未成年人走私、贩卖、运输、制造毒品,或者向未成年人出售毒品的,从重处罚。

对多次走私、贩卖、运输、制造毒品,未经处理的,毒品数量累计计算。

第三百四十八条 【非法持有毒品罪】

非法持有鸦片一千克以上、海洛因或者甲基苯丙胺五十克以上或者其他毒品数量大的,处七年以上有期徒刑或者无期徒刑,并处罚金;非法持有鸦片二百克以上不满一千克、海洛因或者甲基苯丙胺十克以上不满五十克或者其他毒品数量较大的,处三年以下

to be sentenced to more than three years but less than seven years of fixed-term imprisonment and, in addition, be sentenced to paying a fine.

Article 349 . Those who provide cover for criminals who have engaged in smuggling, trafficking, transporting and manufacturing drugs and those who hide, move or conceal drugs and properties of criminals are to be sentenced to less than three years of fixed-term imprisonment, limited incarceration or probation. In serious cases, they are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment.

Anti-drug smuggling personnel or other workers of state organs who shield or harbor criminal elements who smuggle, sell, transport, or make drugs, are to be severely punished according to stipulations of the above paragraph.

Those who conspire with others in advance to commit crimes stipulated in the above two paragraphs of this article are to be handled as accomplices of smuggling, trafficking, transporting, or making drugs.

Article 350 . Whoever, in violation of the provisions of the state, illegally produces, trades in, transports or carries into or out of China acetic anhydride, ethyl ether, chloroform, or other raw materials or auxiliary materials for manufacturing drugs shall be sentenced to imprisonment of not more than three years, limited incarceration or probation in addition to a fine if the circumstances are relatively serious; if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine; or if the circumstances are especially serious, be sentenced to imprisonment of not less than seven years in addition to a fine or forfeiture of property.

Whoever, being obviously aware that someone else is manufacturing drugs, produces, trades in or transports the articles as provided for in the preceding paragraph for the said person shall be punished as an accomplice to the crime of drug manufacturing.

Units committing crimes stipulated in the above two paragraphs are to be fined, and their persons directly in charge and other personnel directly responsible for the case are to be punished according to stipulations of the above two paragraphs.

Article 351 . Illegal growing of opium poppy, marijuana, or other kinds of plants from which drugs are extracted is to be forcibly eliminated. Those falling in one or more of the following cases are to be sentenced to five years or fewer in prison or put under limited incarceration or probation, in addition to fine:

有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

第三百四十九条 【包庇毒品犯罪分子罪】【窝藏、转移、隐瞒毒品、毒赃罪】包庇走私、贩卖、运输、制造毒品的犯罪分子的，为犯罪分子窝藏、转移、隐瞒毒品或者犯罪所得的财物的，处三年以下有期徒刑、拘役或者管制；情节严重的，处三年以上十年以下有期徒刑。

【包庇毒品犯罪分子罪】缉毒人员或者其他国家机关工作人员掩护、包庇走私、贩卖、运输、制造毒品的犯罪分子的，依照前款的规定从重处罚。

犯前两款罪，事先通谋的，以走私、贩卖、运输、制造毒品罪的共犯论处。

第三百五十条 【非法生产、买卖、运输制毒物品、走私制毒物品罪】违反国家规定，非法生产、买卖、运输醋酸酐、乙醚、三氯甲烷或者其他用于制造毒品的原料、配剂，或者携带上述物品进出境，情节较重的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金；情节特别严重的，处七年以上有期徒刑，并处罚金或者没收财产。

明知他人制造毒品而为其生产、买卖、运输前款规定的物品的，以制造毒品罪的共犯论处。

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前两款的规定处罚。

第三百五十一条 【非法种植毒品原植物罪】非法种植罂粟、大麻等毒品原植物的，一律强制铲除。有下列情形之一的，处五年以下有期徒刑、拘役或者管制，并处罚金：

(1) Those growing more than 500 but fewer than 3,000 opium poppy plants, or those growing relatively large numbers of other kinds of plants from which drugs are extracted;

(2) those who grow again after their cases have been settled by a public security organ;

(3) those refusing and resisting elimination of their crops.

Those illegally growing more than 3,000 opium poppy plants or large numbers of other kinds of plants from which drugs are extracted are to be sentenced to five years or more in prison, in addition to paying a fine or having their property confiscated.

Those illegally growing opium poppy plants or other kinds of plants from which drugs are extracted but voluntarily wiping them out before reaping them may be exempted from punishment.

Article 352 . Those illegally selling, buying, transporting, hand carrying, or those who are illegally in possession of non-sterilized seeds or saplings of opium poppy or other kinds of plants from which drugs are extracted, if the amounts are relatively large, are to be sentenced to three years or fewer in prison or put under limited incarceration or probation, in addition to paying a fine; or are to be fined.

Article 353 . Those who lure, instigate, or trick others into taking or injecting drugs are to be sentenced to three years or fewer in prison or put under limited incarceration or probation, in addition to fine. If the case is serious, they are to be sentenced to three to seven years in prison in addition to paying a fine.

Those forcing others to take or inject drugs are to be sentenced to three to 10 years in prison in addition to paying a fine.

Those luring, instigating, tricking, or forcing minors into taking or injecting drugs are to be severely punished.

Article 354 . Those harboring others who take or inject drugs are to be sentenced to three years or fewer in prison or put under limited incarceration or probation, in addition to paying a fine.

Article 355 . Personnel who produce, transport, manage, or use according to law narcotics or drugs for mental sickness under the state's control and who, in violation to the state's regulations, provide those who take or inject drugs with addictive narcotics or drugs for mental sickness that are under the state's control are to be sentenced to three years or fewer in prison or put under limited incarceration, in addition to fine. If the case is serious, they are to be sentenced to three to seven years in prison in addition to paying a fine. Those providing addictive narcotics or drugs for mental sickness that are under the state's control to criminal elements engaging in smuggling or trafficking

(一) 种植罂粟五百株以上不满三千株或者其他毒品原植物数量较大的;

(二) 经公安机关处理后又种植的;

(三) 抗拒铲除的。

非法种植罂粟三千株以上或者其他毒品原植物数量大的, 处五年以上有期徒刑, 并处罚金或者没收财产。

非法种植罂粟或者其他毒品原植物, 在收获前自动铲除的, 可以免除处罚。

第三百五十二条 【非法买卖、运输、携带、持有毒品原植物种子、幼苗罪】 非法买卖、运输、携带、持有未经灭活的罂粟等毒品原植物种子或者幼苗, 数量较大的, 处三年以下有期徒刑、拘役或者管制, 并处或者单处罚金。

第三百五十三条 【引诱、教唆、欺骗他人吸毒罪】 引诱、教唆、欺骗他人吸食、注射毒品的, 处三年以下有期徒刑、拘役或者管制, 并处罚金; 情节严重的, 处三年以上七年以下有期徒刑, 并处罚金。

【强迫他人吸毒罪】 强迫他人吸食、注射毒品的, 处三年以上十年以下有期徒刑, 并处罚金。

引诱、教唆、欺骗或者强迫未成年人吸食、注射毒品的, 从重处罚。

第三百五十四条 【容留他人吸毒罪】 容留他人吸食、注射毒品的, 处三年以下有期徒刑、拘役或者管制, 并处罚金。

第三百五十五条 【非法提供麻醉药品、精神药品罪】 依法从事生产、运输、管理、使用国家管制的麻醉药品、精神药品的人员, 违反国家规定, 向吸食、注射毒品的人提供国家规定管制的能够使人形成瘾癖的麻醉药品、精神药品的, 处三年以下有期徒刑或者拘役, 并处罚金; 情节严重的, 处

drugs or, with the purpose of making profits, to those taking or injecting drugs, are to be convicted and punished according to article 347 of this law.

Units committing crime stipulated in the above paragraph are to be fined, and their persons directly in charge and other personnel directly responsible for the case are to be punished according to stipulations of the above paragraph.

Article 355 (I): Whoever induces or instigates an athlete to commit, or deceives an athlete into committing, any anti-doping rule violation in a major national or international sports competition or knowing an athlete's participation in such a competition, provides the athlete with any prohibited substance shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration and a fine.

Whoever arranges for or forces an athlete's commission of any anti-doping rule violation in a major national or international sports competition shall be given a heavier punishment in accordance with the provision of the preceding paragraph.

Article 356 . Those who have been convicted of smuggling, trafficking, transporting, or making drugs, or who are illegally in possession of drugs, and who again commit the crime stipulated in this section, are to be severely punished.

Article 357 . Drugs as mentioned in this law refer to opium, heroin, ice, morphine, marijuana, cocaine, and other addictive narcotics and drugs for mental sickness that are under the state's control.

The amounts of drugs are to be calculated according to the verified amounts of drugs smuggled, sold, transported, or made, or the amounts illegally in possession, and are not to be calculated in terms of the pureness of the drugs.

Section 8 . The Crime of Organizing, Forcing, Seducing, Harboring, or Introducing Prostitution

Article 358 . Whoever organizes or forces anyone else into prostitution shall be sentenced to imprisonment of not less than five years but not more than ten years in addition to a fine; or be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property if the circumstances are serious.

三年以上七年以下有期徒刑，并处罚金。向走私、贩卖毒品的犯罪分子或者以牟利为目的，向吸食、注射毒品的人提供国家规定管制的能够使人形成瘾癖的麻醉药品、精神药品的，依照本法第三百四十七条的规定定罪处罚。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第三百五十五条 之一 引诱、教唆、欺骗运动员使用兴奋剂参加国内、国际重大体育竞赛，或者明知运动员参加上述竞赛而向其提供兴奋剂，情节严重的，处三年以下有期徒刑或者拘役，并处罚金。

组织、强迫运动员使用兴奋剂参加国内、国际重大体育竞赛的，依照前款的规定从重处罚。

第三百五十六条 【毒品犯罪的再犯】因走私、贩卖、运输、制造、非法持有毒品罪被判过刑，又犯本节规定之罪的，从重处罚。

第三百五十七条 【毒品的范围及毒品数量的计算】本法所称的毒品，是指鸦片、海洛因、甲基苯丙胺（冰毒）、吗啡、大麻、可卡因以及国家规定管制的其他能够使人形成瘾癖的麻醉药品和精神药品。

毒品的数量以查证属实的走私、贩卖、运输、制造、非法持有毒品的数量计算，不以纯度折算。

第八节 组织、强迫、引诱、容留、介绍卖淫罪

第三百五十八条 【组织卖淫罪】

【强迫卖淫罪】组织、强迫他人卖淫的，处五年以上十年以下有期徒刑，并处罚金；情节严重的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

Whoever organizes or forces any juvenile into prostitution shall be given a heavier penalty in accordance with the provisions of the preceding paragraph.

Whoever commits the crime in the preceding two paragraphs and also commits murder, injuring, rape, kidnapping or any other crime shall be punished according to the provisions on the joinder of penalties for plural crimes.

Whoever recruits or transports persons for an organizer of prostitution or otherwise assists in organizing prostitution shall be sentenced to imprisonment of not more than five years in addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than five years but not more than ten years in addition to a fine.

Article 359 . Those harboring prostitution or seducing or introducing others into prostitution are to be sentenced to five years or fewer in prison or put under limited incarceration or probation, in addition to paying a fine. If the case is serious, they are to be sentenced to five years or more in prison in addition to a fine.

Those seducing young girls under 14 years of age into prostitution are to be sentenced to five years or more in prison in addition to a fine.

Article 360 . Those engaging in prostitution or visiting a whorehouse knowing that they are suffering from syphilis, clap, or other serious venereal diseases are to be sentenced to five years or fewer in prison or put under limited incarceration or probation, in addition to having to pay a fine.

Article 361 . Personnel of hotels, restaurants, entertainment industry, taxi companies, and other units who take advantage of their units' position to organize, force, seduce, harbor, or introduce others to prostitution are to be convicted and punished according to articles 358 and 359 of this law.

Main persons in charge of the aforementioned units who commit crimes stipulated in the above paragraph are to be severely punished.

Article 362 . Personnel of hotels, restaurants, entertainment industry, taxi companies, or other units who inform law offenders and criminals while public security personnel are checking prostitution and whorehouse visiting activities, if the case is serious, are to be convicted and punished according to article 310 of this law.

Section 9 . The Crime of Producing, Selling, or Disseminating Obscene Materials

Article 363 . Those producing, reproducing, publishing, selling, or disseminating

组织、强迫未成年人卖淫的，依照前款的规定从重处罚。

犯前两款罪，并有杀害、伤害、强奸、绑架等犯罪行为的，依照数罪并罚的规定处罚。

【协助组织卖淫罪】为组织卖淫的人招募、运送人员或者有其他协助组织他人卖淫行为的，处五年以下有期徒刑，并处罚金；情节严重的，处五年以上十年以下有期徒刑，并处罚金。

第三百五十九条 【引诱、容留、介绍卖淫罪】引诱、容留、介绍他人卖淫的，处五年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处五年以上有期徒刑，并处罚金。

【引诱幼女卖淫罪】引诱不满十四周岁的幼女卖淫的，处五年以上有期徒刑，并处罚金。

第三百六十条 【传播性病罪】明知自己患有梅毒、淋病等严重性病卖淫、嫖娼的，处五年以下有期徒刑、拘役或者管制，并处罚金。

第三百六十一条 【特定单位的人员组织、强迫、引诱、容留、介绍卖淫的处理规定】旅馆业、饮食服务业、文化娱乐业、出租汽车业等单位的人员，利用本单位的条件，组织、强迫、引诱、容留、介绍他人卖淫的，依照本法第三百五十八条、第三百五十九条的规定定罪处罚。

前款所列单位的主要负责人，犯前款罪的，从重处罚。

第三百六十二条 【窝藏、包庇罪】旅馆业、饮食服务业、文化娱乐业、出租汽车业等单位的人员，在公安机关查处卖淫、嫖娼活动时，为违法犯罪分子通风报信，情节严重的，依照本法第三百一十条的规定定罪处罚。

第九节 制作、贩卖、传播淫秽物品罪

第三百六十三条 【制作、复制、出

obscene materials with the purpose of making profits are to be sentenced to three years or fewer in prison or put under limited incarceration or probation, in addition to paying a fine. If the case is serious, they are to be sentenced to three to 10 years in prison in addition to having to pay a fine. If the case is especially serious, they are to be sentenced to 10 years or more in prison or given life sentence, in addition to a fine or confiscation of property.

Those providing others with international standard book numbers [ISBN] for publishing obscene books or magazines are to be sentenced to three years or fewer in prison or put under limited incarceration or probation, in addition to having to pay a fine; or are to be fined. Those providing others with ISBNs knowing that they are going to use them for publishing obscene books or magazines are to be punished according to the above stipulations.

Article 364 . Those disseminating obscene books, magazines, films, audio and video recordings, pictures, or other kinds of obscene materials, if the case is serious, are to be sentenced to two years or fewer in prison or put under limited incarceration or probation.

Those organizing the broadcasting or showing of obscene motion pictures, video films, or other kinds of audio and video recordings are to be sentenced to three years or fewer in prison or put under limited incarceration or probation, in addition to having to pay a fine. If the case is serious, they are to be sentenced to three to 10 years in prison in addition to paying a fine.

Those producing or reproducing and organizing the broadcasting or showing of obscene motion pictures, video tapes, or other kinds of audio and video recordings are to be severely punished according to stipulations in paragraph two of this article.

Those broadcasting or showing obscene materials to minors under 18 years of age are to be severely punished.

Article 365 . Those organizing an obscene performance are to be sentenced to three years or fewer in prison or put under limited incarceration or probation, in addition to paying a fine. If the case is serious, they are to be sentenced to three to 10 years in prison in addition to having to pay a fine.

Article 366 . Units committing crimes stipulated in articles 363, 354, or 365 of this section are to be fined, and their main persons directly in charge and other personnel directly responsible for the case are to be punished according to stipulations of respective articles.

Article 367 . Obscene materials mentioned in this law refer to erotic books,

版、贩卖、传播淫秽物品牟利罪】以牟利为目的，制作、复制、出版、贩卖、传播淫秽物品的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上十年以下有期徒刑，并处罚金；情节特别严重的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

【为他人提供书号出版淫秽书刊罪】为他人提供书号，出版淫秽书刊的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；明知他人用于出版淫秽书刊而提供书号的，依照前款的规定处罚。

第三百六十四条 【传播淫秽物品罪】传播淫秽的书刊、影片、音像、图片或者其他淫秽物品，情节严重的，处二年以下有期徒刑、拘役或者管制。

【组织播放淫秽音像制品罪】组织播放淫秽的电影、录像等音像制品的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上十年以下有期徒刑，并处罚金。

制作、复制淫秽的电影、录像等音像制品组织播放的，依照第二款的规定从重处罚。

向不满十八周岁的未成年人传播淫秽物品的，从重处罚。

第三百六十五条 【组织淫秽表演罪】组织进行淫秽表演的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上十年以下有期徒刑，并处罚金。

第三百六十六条 【单位犯本节规定之罪的处罚】单位犯本节第三百六十三条、第三百六十四条、第三百六十五条规定之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照各该条的规定处罚。

第三百六十七条 【淫秽物品的范围】

magazines, motion pictures, video tapes, audio tapes, pictures, and other obscene materials that graphically describe sexual intercourse or explicitly publicize pornography.

Scientific products about physiological or medical knowledge are not obscene materials.

Literary and artistic works of artistic value that contain erotic contents are not regarded as obscene materials.

Chapter VII Crimes of Endangering the Interests of National Defense

Article 368 . Those who use methods of violence or threat to obstruct military personnel from carrying out their duties in accordance with the law are to be sentenced to not more than three years of fixed-term imprisonment, or limited incarceration or probation and may, in addition, be sentenced to a fine.

Those who intentionally obstruct military actions of the armed forces and cause serious consequences are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration.

Article 369 . Whoever sabotages weapons or equipment, military installations or military telecommunications shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration or probation; whoever sabotages major weapons or equipment, military installations or military telecommunications shall be sentenced to fixed-term imprisonment of 3 up to 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or the death penalty.

Any one who commits a crime as described in the preceding two paragraphs and causes serious consequences due to negligence shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration; if the consequences are extremely serious, he shall be sentenced to fixed-term imprisonment of 3 up to 7 years.

He who commits a crime as mentioned in the preceding two paragraphs during wartime shall be given a heavier punishment.

Article 370 . Those who knowingly supply unqualified weapons and equipment and other military facilities to armed units are to be sentenced to not more than five years fixed-term imprisonment or limited incarceration. In serious cases, those law offenders are to be sentenced to more than five years but less than 10 years of fixed-term imprisonment. In especially serious cases, those law offenders are to be sentenced to more than 10 years of fixed-term imprisonment, life imprisonment or death.

Those who commit the above-mentioned crimes and cause serious consequences due

本法所称淫秽物品，是指具体描绘性行为或者露骨宣扬色情的诲淫性的书刊、影片、录像带、录音带、图片及其他淫秽物品。

有关人体生理、医学知识的科学著作不是淫秽物品。

包含有色情内容的有艺术价值的文学、艺术作品不视为淫秽物品。

第七章 危害国防利益罪

第三百六十八条 【阻碍军人执行职务罪】以暴力、威胁方法阻碍军人依法执行职务的，处三年以下有期徒刑、拘役、管制或者罚金。

【阻碍军事行动罪】故意阻碍武装部队军事行动，造成严重后果的，处五年以下有期徒刑或者拘役。

第三百六十九条 【破坏武器装备、军事设施、军事通信罪】破坏武器装备、军事设施、军事通信的，处三年以下有期徒刑、拘役或者管制；破坏重要武器装备、军事设施、军事通信的，处三年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑、无期徒刑或者死刑。

【过失损坏武器装备、军事设施、军事通信罪】过失犯前款罪，造成严重后果的，处三年以下有期徒刑或者拘役；造成特别严重后果的，处三年以上七年以下有期徒刑。

战时犯前款罪的，从重处罚。

第三百七十条 【故意提供不合格武器装备、军事设施罪】明知是不合格的武器装备、军事设施而提供给武装部队的，处五年以下有期徒刑或者拘役；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑、无期徒刑或者死刑。

【过失提供不合格武器装备、军事设

to negligence are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration. Those who commit above-mentioned crimes and cause especially serious consequences due to negligence are to be sentenced to more than three years but less than seven years of fixed-term imprisonment.

If a unit commits crimes noted in section one of this article, the unit will be sentenced to a fine. Leading personnel of the unit having direct responsibility and other personnel directly responsible for the crimes are to be punished in accordance with section one of this article.

Article 371 . The principal leaders of those who assemble a crowd to charge military forbidden zones and seriously disrupt order in military forbidden zones are to be sentenced to more than five years but less than 10 years of fixed-term imprisonment. Other active participants are to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration or probation or deprivation of political rights.

The principal leaders of those who assemble a crowd to seriously disrupt order in military administrative zones, hamper operation in the military administrative zones and cause serious losses are to be sentenced to more than three years but less than seven years of fixed-term imprisonment. Other active participants are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation or deprivation of political rights.

Article 372 . Those who pose as military personnel and engage in cheating and bluffing are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation or deprivation of political rights. In serious cases, those law offenders are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment.

Article 373 . Those who instigate military personnel to escape from the unit to which they belong or knowingly employ those escaped military personnel are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration or probation if the situation is serious.

Article 374 . Those who play favoritism and commit irregularities in conscription work or receive and deliver unqualified enlisted men are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration if the situation is serious. Those law offenders are to be sentenced to more than three years but less than seven years fixed-term imprisonment if the consequences are especially serious.

Article 375 . Those who forge, alter, buy or sell, steal or rob documents, certificates and seals of armed units are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation or deprivation of political rights. If the situation is serious, those law offenders are to be sentenced to more than three years

施罪】过失犯前款罪，造成严重后果的，处三年以下有期徒刑或者拘役；造成特别严重后果的，处三年以上七年以下有期徒刑。

单位犯第一款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

第三百七十一条 【聚众冲击军事禁区罪】聚众冲击军事禁区，严重扰乱军事禁区秩序的，对首要分子，处五年以上十年以下有期徒刑；对其他积极参加的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

【聚众扰乱军事管理区秩序罪】聚众扰乱军事管理区秩序，情节严重，致使军事管理区工作无法进行，造成严重损失的，对首要分子，处三年以上七年以下有期徒刑；对其他积极参加的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

第三百七十二条 【冒充军人招摇撞骗罪】冒充军人招摇撞骗的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利；情节严重的，处三年以上十年以下有期徒刑。

第三百七十三条 【煽动军人逃离部队罪】【雇用逃离部队军人罪】煽动军人逃离部队或者明知是逃离部队的军人而雇用，情节严重的，处三年以下有期徒刑、拘役或者管制。

第三百七十四条 【接送不合格兵员罪】在征兵工作中徇私舞弊，接送不合格兵员，情节严重的，处三年以下有期徒刑或者拘役；造成特别严重后果的，处三年以上七年以下有期徒刑。

第三百七十五条 【伪造、变造、买卖武装部队公文、证件、印章罪】

【盗窃、抢夺武装部队公文、证件、印章罪】伪造、变造、买卖或者盗窃、

but less than 10 years of fixed-term imprisonment.

Whoever illegally produces, buys, or sells uniforms of the armed forces shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than three years, limited incarceration or probation, and/or be fined.

Whoever forges, steals, buys, sells, or illegally provides or uses license plates of vehicles or other special signs of the armed forces shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than three years, limited incarceration or probation, and/or be fined; or if the circumstances are extremely serious, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined.

Where any entity commits the crime in paragraph 2 or 3, it shall be fined, and the direct liable person in charge and other directly liable persons shall be punished under the applicable paragraph.

Article 376 . Reserve service personnel who refuse or evade conscription or military training in times of war are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration if the situation is serious.

Citizens who refuse or evade conscription in times of war are to be sentenced to not more two years of fixed-term imprisonment if the situation is serious.

Article 377 . Those who intentionally provide false enemy information and thus cause serious consequences are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment. Those whose acts cause especially serious consequences are to be sentenced to more than 10 years of fixed-term imprisonment or life imprisonment.

Article 378 . Those who create rumors and undermine the morale of the armed forces are to be sentenced to not more three years of fixed-term imprisonment, limited incarceration or probation. In serious cases, those law offenders are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment.

Article 379 . Those who knowingly provide shelter, properties and things for escaped

抢夺武装部队公文、证件、印章的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利；情节严重的，处三年以上十年以下有期徒刑。

【非法生产、买卖武装部队制式服装罪】非法生产、买卖武装部队制式服装，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金。

【伪造、盗窃、买卖、非法提供、非法使用武装部队专用标志罪】伪造、盗窃、买卖或者非法提供、使用武装部队车辆号牌等专用标志，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

单位犯第二款、第三款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照各该款的规定处罚。

第三百七十六条 【战时拒绝、逃避征召、军事训练罪】预备役人员战时拒绝、逃避征召或者军事训练，情节严重的，处三年以下有期徒刑或者拘役。

【战时拒绝、逃避服役罪】公民战时拒绝、逃避服役，情节严重的，处二年以下有期徒刑或者拘役。

第三百七十七条 【战时故意提供虚假敌情罪】战时故意向武装部队提供虚假敌情，造成严重后果的，处三年以上十年以下有期徒刑；造成特别严重后果的，处十年以上有期徒刑或者无期徒刑。

第三百七十八条 【战时造谣扰乱军心罪】战时造谣惑众，扰乱军心的，处三年以下有期徒刑、拘役或者管制；情节严重的，处三年以上十年以下有期徒刑。

第三百七十九条 【战时窝藏逃离部

military personnel in times of war are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration if the situation is serious.

Article 380 . Units which refuse or intentionally delay military orders for supplies in times of war are to be sentenced to a fine. The principal leading responsible personnel and other persons directly responsible for the crimes are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration. In serious cases, those law offenders are to be sentenced to more than five years of fixed-term imprisonment.

Article 381 . Those who refuse military expropriation or requisition in times of war are to be sentenced to more than three years of fixed-term imprisonment or limited incarceration if the situation is serious.

Chapter VIII Graft and Bribery

Article 382 . State personnel who take advantage of their office to misappropriate, steal, swindle or use other illegal means to acquire state properties constitute the crime of graft.

Those who are entrusted by state organs, state companies, state enterprises, state undertakings and mass organizations to administer and operate state properties but take advantage of their office to misappropriate, steal, swindle or use other illegal means to acquire state properties also constitute the crime of graft.

Those who collaborate with those personnel as listed in the aforementioned two paragraphs and join the crime are considered as committing a joint crime.

Article 383 . Whoever commits the crime of corruption shall be punished in light of the graveness of the crime according to the following provisions:

(1) If the amount involved in the corruption is relatively large or there is any other relatively serious circumstance, the convict shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine.

(2) If the amount involved in the corruption is huge or there is any other serious circumstance, the convict shall be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine or forfeiture of property.

(3) If the amount involved in the corruption is especially huge or there is any other especially serious circumstance, the convict shall be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property; or if the amount involved is especially huge and especially material losses have been

队军人罪】战时明知是逃离部队的军人而为其提供隐蔽处所、财物，情节严重的，处三年以下有期徒刑或者拘役。

第三百八十条 【战时拒绝、故意延误军事订货罪】战时拒绝或者故意延误军事订货，情节严重的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役；造成严重后果的，处五年以上有期徒刑。

第三百八十一条 【战时拒绝军事征收、征用罪】战时拒绝军事征收、征用，情节严重的，处三年以下有期徒刑或者拘役。

第八章 贪污贿赂罪

第三百八十二条 【贪污罪】国家工作人员利用职务上的便利，侵吞、窃取、骗取或者以其他手段非法占有公共财物的，是贪污罪。

受国家机关、国有公司、企业、事业单位、人民团体委托管理、经营国有财产的人员，利用职务上的便利，侵吞、窃取、骗取或者以其他手段非法占有国有财物的，以贪污论。

与前两款所列人员勾结，伙同贪污的，以共犯论处。

第三百八十三条 【贪污罪的处罚规定】对犯贪污罪的，根据情节轻重，分别依照下列规定处罚：

（一）贪污数额较大或者有其他较重情节的，处三年以下有期徒刑或者拘役，并处罚金。

（二）贪污数额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处罚金或者没收财产。

（三）贪污数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产；数额特别巨大，并使国家和人

caused to the interests of the state or the public, the convict shall be sentenced to life imprisonment or the death penalty and a forfeiture of property.

Whoever has committed repeatedly crimes of corruption without being punished shall be punished based on the accumulative amount involved in the crimes of corruption.

Whoever commits a crime as mentioned in paragraph 1, and before a public prosecution is filed, truthfully confesses his or her crime, shows sincere repentance and actively returns the illegally obtained money to avoid or reduce the occurrence of losses, if there is any circumstance as set forth in item (1), may be given a lighter or mitigated penalty or be exempt from penalty; or if there is any circumstance as set forth in item (2) or (3), may be given a lighter penalty.

Where a convict who commits a crime as mentioned in paragraph 1 and falls under any circumstance as set forth in item (3) is sentenced to death with a reprieve, the people's court may, in light of the circumstances of the crime committed, decide to commute the sentence to life imprisonment upon expiration of the two-year period, sentence the convict to life imprisonment, and shall not offer commutation or parole.

Article 384 . State personnel who take advantage of their office and misappropriate public funds for personal use or illegal activities or misappropriate large amounts of public funds without returning the money within three months are guilty of the crime of embezzlement and are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration. In serious cases, those offenders are to be sentenced to more than five years of fixed-term imprisonment. Those who misappropriate a large amount of public funds without returning the money are to be sentenced to more than 10 years of fixed-term imprisonment or life imprisonment.

Those who misappropriate funds for relief of natural disasters, flood prevention, preferential treatment to military dependents, helping the poor and aid supplies for personal use are to be punished in a severe manner.

Article 385 . State personnel who take advantage of their office to demand money and things from other people or if they illegally accept money and things from other people and give favors to the latter are guilty of the crime of bribery.

State personnel in their economic operation accept various kinds of kickback and handling fees for their personal use in violation of state provisions also guilty of the crime of bribery and are to be punished accordingly.

Article 386 . Whoever commits the crime of accepting bribes is to be punished on the basis of Article 383 of this law according to the amount of bribes and the circumstances. A heavier punishment shall be given to whoever demands a bribe.

Article 387 . State organs, state-owned companies, enterprises, institutions, and

民利益遭受特别重大损失的，处无期徒刑或者死刑，并处没收财产。

对多次贪污未经处理的，按照累计贪污数额处罚。

犯第一款罪，在提起公诉前如实供述自己罪行、真诚悔罪、积极退赃，避免、减少损害结果的发生，有第一项规定情形的，可以从轻、减轻或者免除处罚；有第二项、第三项规定情形的，可以从轻处罚。

犯第一款罪，有第三项规定情形被判处死刑缓期执行的，人民法院根据犯罪情节等情况可以同时决定在其死刑缓期执行二年期满依法减为无期徒刑后，终身监禁，不得减刑、假释。

第三百八十四条 【挪用公款罪】国家工作人员利用职务上的便利，挪用公款归个人使用，进行非法活动的，或者挪用公款数额较大、进行营利活动的，或者挪用公款数额较大、超过三个月未还的，是挪用公款罪，处五年以下有期徒刑或者拘役；情节严重的，处五年以上有期徒刑。挪用公款数额巨大不退还的，处十年以上有期徒刑或者无期徒刑。

挪用用于救灾、抢险、防汛、优抚、扶贫、移民、救济款物归个人使用的，从重处罚。

第三百八十五条 【受贿罪】国家工作人员利用职务上的便利，索取他人财物的，或者非法收受他人财物，为他人谋取利益的，是受贿罪。

国家工作人员在经济往来中，违反国家规定，收受各种名义的回扣、手续费，归个人所有的，以受贿论处。

第三百八十六条 【受贿罪的处罚规定】对犯受贿罪的，根据受贿所得数额及情节，依照本法第三百八十三条的规定处罚。索贿的从重处罚。

第三百八十七条 【单位受贿罪】国

people's organizations which exact or illegally accept articles of property from other people and try to obtain gain for other people shall be sentenced to a fine if the circumstances are serious; moreover, their personnel who are directly in charge and other personnel who are directly held responsible for the crime are to be sentenced to not more than five years of fixed-term imprisonment or to limited incarceration.

In economic activities, should the units listed in the preceding paragraph secretly accept, outside the account, kickback or service charges of various types, they are to be punished as having accepted a bribe on the basis of the provisions in the preceding paragraph.

Article 388 . State functionaries who help trustors to seek illegitimate gain, exact or accept articles of property from trustors by taking advantage of the facilities created by their authority of office or position, or through the action related to the post of other state functionaries, shall be dealt with according to the crime of accepting bribes.

Article 388 (I):Where any close relative of a state functionary or any other person who has a close relationship with the said state functionary seeks any improper benefit for a requester for such a benefit through the official act of the said state functionary or through the official act of any other state functionary by using the advantages generated from the authority or position of the said state functionary, and asks or accepts property from the requester for such a benefit, and the amount is relatively large or there is any other relatively serious circumstance, he shall be sentenced to fixed-term imprisonment not more than three years or limited incarceration, and be fined; if the amount is huge or there is any other serious circumstance, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined; or if the amount is extremely huge or there is any other extremely serious circumstance, shall be sentenced to fixed-term imprisonment not less than seven years, and be fined or be sentenced to confiscation of property.

Where any state functionary who has left his position, any close relative of him or any other person who has a close relationship with him commits the act as prescribed in the preceding paragraph by using the advantages generated from the former authority or position of the said state functionary, he shall be convicted and punished under the preceding paragraph.

Article 389 . An act of giving state functionaries articles of property in order to seek illegitimate gain shall be considered a crime of offering bribes.

In economic activities, whoever gives articles of property to state functionaries in violation of state provisions, when the amount is fairly large, or gives a kickback or

家机关、国有公司、企业、事业单位、人民团体，索取、非法收受他人财物，为他人谋取利益，情节严重的，对单位判处有期徒刑，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役。

前款所列单位，在经济往来中，在帐外暗中收受各种名义的回扣、手续费的，以受贿论，依照前款的规定处罚。

第三百八十八条 【受贿罪】国家工作人员利用本人职权或者地位形成的便利条件，通过其他国家工作人员职务上的行为，为请托人谋取不正当利益，索取请托人财物或者收受请托人财物的，以受贿论处。

第三百八十八条 之一 【利用影响力受贿罪】国家工作人员的近亲属或者其他与该国家工作人员关系密切的人，通过该国家工作人员职务上的行为，或者利用该国家工作人员职权或者地位形成的便利条件，通过其他国家工作人员职务上的行为，为请托人谋取不正当利益，索取请托人财物或者收受请托人财物，数额较大或者有其他较重情节的，处三年以下有期徒刑或者拘役，并处罚金；数额巨大或者有其他严重情节的，处三年以上七年以下有期徒刑，并处罚金；数额特别巨大或者有其他特别严重情节的，处七年以上有期徒刑，并处罚金或者没收财产。

离职的国家工作人员或者其近亲属以及其他与其关系密切的人，利用该离职的国家工作人员原职权或者地位形成的便利条件实施前款行为的，依照前款的规定定罪处罚。

第三百八十九条 【行贿罪】为谋取不正当利益，给予国家工作人员以财物的，是行贿罪。

在经济往来中，违反国家规定，给予国家工作人员以财物，数额较大的，

service charges of various types to state functionaries in violation of state provisions is to be dealt with as committing the crime of offering bribes.

Whoever gives articles of property to state functionaries due to extortion but receives no illegitimate gain shall not be considered as committing the crime of offering bribes.

Article 390 . Whoever commits the crime of offering bribes shall be sentenced to imprisonment of not more than five years or limited incarceration in addition to a fine; whoever seeks any illicit benefit by means of offering bribes and the circumstances are serious or causes any serious loss to the national interest shall be sentenced to imprisonment of not less than five years but not more than ten years in addition to a fine; or if the circumstances are especially serious, or any especially serious loss has been caused to the national interest, shall be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property.

The briber who actively confesses to his or her crime before being prosecuted may be given a lighter or mitigated penalty. Whoever commits a relatively minor crime and plays a crucial role in resolving an important case or has any major meritorious performance may be given a lighter penalty or be exempt from penalty.

Article 390 (I): Whoever, for the purpose of seeking illicit benefits, offers bribe to any close relative of an employee of a state functionary or any other person who has a close relationship with the said employee of the state authority, or any dismissed employee of a state authority or any of his or her close relatives or any other person who has a close relationship with the said employee shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine; if there is any serious circumstance or any serious loss has been caused to the national interest, shall be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine; or if there is any other especially serious circumstance or any especially serious loss has been caused to the national interest, shall be sentenced to imprisonment of not less than seven years but not more than ten years in addition to a fine.

Where an entity commits any crime as provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine.

Article 391 . Whoever offers property to any state authority, state-owned company, enterprise, public institution or people's organization for the purpose of seeking illicit benefits or offers commission or handling charges in any name in violation of the provisions of the state in economic exchanges shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine.

或者违反国家规定，给予国家工作人员以各种名义的回扣、手续费的，以行贿论处。

因被勒索给予国家工作人员以财物，没有获得不正当利益的，不是行贿。

第三百九十条 【行贿罪的处罚规定】

对犯行贿罪的，处五年以下有期徒刑或者拘役，并处罚金；因行贿谋取不正当利益，情节严重的，或者使国家利益遭受重大损失的，处五年以上十年以下有期徒刑，并处罚金；情节特别严重的，或者使国家利益遭受特别重大损失的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

行贿人在被追诉前主动交待行贿行为的，可以从轻或者减轻处罚。其中，犯罪较轻的，对侦破重大案件起关键作用的，或者有重大立功表现的，可以减轻或者免除处罚。

第三百九十条 之一 【对影响力的人行贿罪】为谋取不正当利益，向国家工作人员的近亲属或者其他与该国家工作人员关系密切的人，或者向离职的国家工作人员或者其近亲属以及其他与其关系密切的人行贿的，处三年以下有期徒刑或者拘役，并处罚金；情节严重的，或者使国家利益遭受重大损失的，处三年以上七年以下有期徒刑，并处罚金；情节特别严重的，或者使国家利益遭受特别重大损失的，处七年以上十年以下有期徒刑，并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役，并处罚金。

第三百九十一条 【对单位行贿罪】

为谋取不正当利益，给予国家机关、国有公司、企业、事业单位、人民团体以财物的，或者在经济往来中，违反国家规定，给予各种名义的回扣、

Whichever unit commits the crime mentioned in the preceding paragraph is to be sentenced to a fine, and the responsible persons who are directly in charge of the unit or other personnel who are held directly responsible for the crime shall be punished on the basis of the preceding paragraph.

Article 392 . Whoever introduces bribery to any employee of a state authority shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine if the circumstances are serious.

Before prosecution, if the person introducing bribery to state functionaries takes the initiative to admit his/her crime, he or she may receive a lighter punishment or be exempted from punishment.

Article 393 . Where any entity offers bribes for the purpose of seeking illicit benefits or offers commission or handling charges to any employee of a state authority in violation of the provisions of the state shall, if the circumstances are serious, be sentenced to a fine, and the directly responsible person in charge and other directly liable persons shall be sentenced to imprisonment of not more than five years or limited incarceration in addition to a fine. Whoever owns the illegal income obtained from bribery shall be convicted and punished in accordance with the provisions of Articles 389 and 390 of this Law.

Article 394 . State functionaries who accept gifts in the course of carrying out official duties at home or in intercourse with foreign countries but who fail to turn over the gifts to the state in accordance with state provisions, when the amount is fairly large, shall be punished in accordance with the crimes stated in Article 382 and Article 383 of this law.

Article 395 . Where the property or expenditure of any state functionary obviously exceeds his legitimate income, and the difference is huge, he shall be ordered to explain the sources. If he fails to do so, the difference shall be determined as illegal income, and he shall be sentenced to fixed-term imprisonment not more than five years or limited incarceration; or if the difference is extremely huge, shall be sentenced to fixed-term imprisonment not less than five years but not more than ten years. The difference of the property shall be recovered.

State functionaries who have savings deposits in foreign countries must declare their deposits according to state provisions. Those who hide their deposits of this nature by not declaring them are to be sentenced to not more than two years of fixed-term imprisonment or to limited incarceration; when the circumstances are not serious, they

手续费的，处三年以下有期徒刑或者拘役，并处罚金。

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

第三百九十二条 【介绍贿赂罪】 向国家工作人员介绍贿赂，情节严重的，处三年以下有期徒刑或者拘役，并处罚金。

介绍贿赂人在被追诉前主动交待介绍贿赂行为的，可以减轻处罚或者免除处罚。

第三百九十三条 【单位行贿罪】 单位为谋取不正当利益而行贿，或者违反国家规定，给予国家工作人员以回扣、手续费，情节严重的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役，并处罚金。因行贿取得的违法所得归个人所有的，依照本法第三百八十九条、第三百九十条的规定定罪处罚。

第三百九十四条 【贪污罪】 国家工作人员在国内公务活动或者对外交往中接受礼物，依照国家规定应当交公而不交公，数额较大的，依照本法第三百八十二条、第三百八十三条的规定定罪处罚。

第三百九十五条 【巨额财产来源不明罪】 国家工作人员的财产、支出明显超过合法收入，差额巨大的，可以责令该国家工作人员说明来源，不能说明来源的，差额部分以非法所得论，处五年以下有期徒刑或者拘役；差额特别巨大的，处五年以上十年以下有期徒刑。财产的差额部分予以追缴。

【隐瞒境外存款罪】 国家工作人员在境外的存款，应当依照国家规定申报。数额较大、隐瞒不报的，处二年以下有期徒刑或者拘役；情节较轻的，由

shall be given administrative punishment by the unit to which they belong or by a competent organ of a higher level according to the circumstance.

Article 396 . State organs, state-owned companies, enterprises, business units, and mass organizations which violate state regulations by privately distributing state assets to groups of individuals in the name of the units, where the amounts involved are fairly large, the principal personnel directly responsible and other personnel with direct responsibility shall be sentenced to not more than three years of fixed-term imprisonment or limited incarceration, and may in addition or exclusively be sentenced to a fine; and when huge amounts are involved, not less than three years and not more than seven years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Judicial organizations and administrative and law enforcement organizations which violate state stipulations by privately distributing to groups of individuals fines and confiscated goods that should be turned over to the higher authorities, shall be punished in accordance with the stipulations of the preceding paragraph.

Chapter IX Crimes of Dereliction of Duty

Article 397 . State personnel who abuse their power or neglect their duties, causing great losses to public property and the state's and people's interests, shall be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; and when the circumstances are exceptionally serious, not less than three years and not more than seven years of fixed-term imprisonment. Where there are separate stipulations under this law, these stipulations shall be followed.

State personnel who practice favoritism and commit irregularities and the crimes mentioned in the preceding paragraph shall be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and when the circumstances are exceptionally serious, not less than five years and not more than 10 years of fixed-term imprisonment. Where there are separate stipulations under this law, these stipulations shall be followed.

Article 398 . State personnel who violate the stipulations of the Law of Protection of State Secrets and intentionally or negligently reveal state secrets, and when the circumstances are serious, shall be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; and when the circumstances are exceptionally serious, not less than three years and not more than seven years of fixed-term imprisonment.

Non-state personnel who commit the crime mentioned in the preceding paragraph shall be punished in consideration of the circumstances and in accordance with the stipulations of the preceding paragraph.

Article 399 . Any judicial officer who, by bending the law for selfish ends or twisting the law to serve his friends and relatives, subjects any person he knows to be innocent

其所在单位或者上级主管机关酌情给予行政处分。

第三百九十六条 【私分国有资产罪】国家机关、国有公司、企业、事业单位、人民团体，违反国家规定，以单位名义将国有资产集体私分给个人，数额较大的，对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役，并处或者单处罚金；数额巨大的，处三年以上七年以下有期徒刑，并处罚金。

【私分罚没财物罪】司法机关、行政执法机关违反国家规定，将应当上缴国家的罚没财物，以单位名义集体私分给个人的，依照前款的规定处罚。

第九章 渎职罪

第三百九十七条 【滥用职权罪】

【玩忽职守罪】国家机关工作人员滥用职权或者玩忽职守，致使公共财产、国家和人民利益遭受重大损失的，处三年以下有期徒刑或者拘役；情节特别严重的，处三年以上七年以下有期徒刑。本法另有规定的，依照规定。

国家机关工作人员徇私舞弊，犯前款罪的，处五年以下有期徒刑或者拘役；情节特别严重的，处五年以上十年以下有期徒刑。本法另有规定的，依照规定。

第三百九十八条 【故意泄露国家秘密罪】【过失泄露国家秘密罪】国家机关工作人员违反保守国家秘密法的规定，故意或者过失泄露国家秘密，情节严重的，处三年以下有期徒刑或者拘役；情节特别严重的，处三年以上七年以下有期徒刑。

非国家机关工作人员犯前款罪的，依照前款的规定酌情处罚。

第三百九十九条 【徇私枉法罪】司法工作人员徇私枉法、徇情枉法，对

to investigation for criminal responsibility, intentionally protects any person he knows to be guilty from investigation for criminal responsibility, intentionally runs counter to the facts and law to render judgments that abuse the law in criminal proceedings shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration; if the circumstance is serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstance is especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years.

Whoever, in civil or administrative proceedings, intentionally runs counter to the facts and law to render judgments that abuse the law, if the circumstance is serious, shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration; if the circumstance is especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years.

Whoever, in the enforcement of any judgment or ruling, seriously neglects his duty or abuses his authority and fails to adopt judicial protective measures or perform statutory enforcement duties, or illegally adopts judicial protective measures or mandatory enforcement measures, if any heavy loss thus occurs to the interests of the parties involved or others, shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration; if any especially heavy loss thus occurs to the interests of the parties involved or others, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years.

Any judicial officer, who takes any bribe and commits any act mentioned in the preceding three paragraphs, which also constitutes a crime as provided for in Article 385 of this Law, shall be convicted and punished in accordance with the provisions for a heavier punishment.

Article 399 (I): Where anyone who undertakes the duties of arbitration according to law intentionally goes against the facts or law and makes any wrongful ruling in the process of arbitration, he shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration. If the circumstances are extremely serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 400 . Judicial work personnel who release without authority crime suspects, accused persons, or criminals from custody shall be punished with imprisonment or limited incarceration of less than five years; or -- for cases of a serious nature -- with imprisonment of over five years and less than 10 years; or -- for cases of an extraordinary serious nature -- with imprisonment of over 10 years.

Judicial work personnel who, because of serious irresponsibility, cause the escape of crime suspects, accused persons, or criminals from custody resulting in severe

明知是无罪的人而使他受追诉、对明知是有罪的人而故意包庇不使他受追诉,或者在刑事审判活动中故意违背事实和法律作枉法裁判的,处五年以下有期徒刑或者拘役;情节严重的,处五年以上十年以下有期徒刑;情节特别严重的,处十年以上有期徒刑。

【民事、行政枉法裁判罪】在民事、行政审判活动中故意违背事实和法律作枉法裁判,情节严重的,处五年以下有期徒刑或者拘役;情节特别严重的,处五年以上十年以下有期徒刑。

【执行判决、裁定失职罪】【执行判决、裁定滥用职权罪】在执行判决、裁定活动中,严重不负责任或者滥用职权,不依法采取诉讼保全措施、不履行法定执行职责,或者违法采取诉讼保全措施、强制执行措施,致使当事人或者其他人的利益遭受重大损失的,处五年以下有期徒刑或者拘役;致使当事人或者其他人的利益遭受特别重大损失的,处五年以上十年以下有期徒刑。

司法工作人员收受贿赂,有前三款行为的,同时又构成本法第三百八十五条规定之罪的,依照处罚较重的规定定罪处罚。

第三百九十九条 之一 【枉法仲裁罪】依法承担仲裁职责的人员,在仲裁活动中故意违背事实和法律作枉法裁决,情节严重的,处三年以下有期徒刑或者拘役;情节特别严重的,处三年以上七年以下有期徒刑。

第四百条 【私放在押人员罪】司法工作人员私放在押的犯罪嫌疑人、被告人或者罪犯的,处五年以下有期徒刑或者拘役;情节严重的,处五年以上十年以下有期徒刑;情节特别严重的,处十年以上有期徒刑。

【失职致使在押人员脱逃罪】司法工作人员由于严重不负责任,致使在押

consequences, shall be punished with imprisonment or limited incarceration of less than three years; or -- for cases causing extraordinary serious consequences -- with imprisonment of over three years and less than 10 years.

Article 401 . Judicial work personnel who, because of favoritism and malpractice, offer commutation, parole, or out-of-prison enforcement for offenses that fail to meet requirements of such commutation, parole, or out-of-prison enforcement, shall be punished with imprisonment or limited incarceration of less than three years; or -- for cases of a serious nature -- with imprisonment of over three years and less than seven years.

Article 402 . Administrative law enforcement personnel who, because of favoritism and malpractice, fail to refer cases to judicial organs for establishing criminal liabilities under the law, shall -- in cases of a serious nature -- be punished with imprisonment or limited incarceration of less than three years; or -- where serious consequences have been caused -- with imprisonment of over three years and less than seven years.

Article 403 . State organ work personnel under relevant competent state departments, who, because of favoritism, malpractice, and abuse of powers, approve or register the incorporation or registration of companies that fail to meet conditions required by law, or approve their applications for issuance of shares or bonds, or listing resulting in serious losses to public property and interests of the state and the people, shall be punished with imprisonment or limited incarceration of less than five years.

Personnel directly in charge of a department of a higher level that forcibly order registration organs or their work personnel to commit acts of the preceding paragraph shall be punished according to provisions of the preceding paragraph.

Article 404 . Work personnel of tax organs, who, because of favoritism and malpractice, fail to impose or impose less mandatory taxes resulting in serious losses of state revenues, shall be punished with imprisonment or limited incarceration of less than five years; or -- in cases causing extraordinary serious losses -- with imprisonment of over five years.

Article 405 . Work personnel of tax organs, who, in violation of provisions under the law and administrative rules, cause great losses to state interests in handling work relating to sale of invoices, tax offsetting, and export tax refund as a result of favoritism and malpractice, shall be punished with imprisonment or limited incarceration of less than five years; or -- in cases causing extraordinary serious losses to state interests -- with imprisonment of over five years.

的犯罪嫌疑人、被告人或者罪犯脱逃，造成严重后果的，处三年以下有期徒刑或者拘役；造成特别严重后果的，处三年以上十年以下有期徒刑。

第四百零一条 【徇私舞弊减刑、假释、暂予监外执行罪】司法工作人员徇私舞弊，对不符合减刑、假释、暂予监外执行条件的罪犯，予以减刑、假释或者暂予监外执行的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。

第四百零二条 【徇私舞弊不移交刑事案件罪】行政执法人员徇私舞弊，对依法应当移交司法机关追究刑事责任的不移交，情节严重的，处三年以下有期徒刑或者拘役；造成严重后果的，处三年以上七年以下有期徒刑。

第四百零三条 【滥用管理公司、证券职权罪】国家有关主管部门的国家机关工作人员，徇私舞弊，滥用职权，对不符合法律规定条件的公司设立、登记申请或者股票、债券发行、上市申请，予以批准或者登记，致使公共财产、国家和人民利益遭受重大损失的，处五年以下有期徒刑或者拘役。

上级部门强令登记机关及其工作人员实施前款行为的，对其直接负责的主管人员，依照前款的规定处罚。

第四百零四条 【徇私舞弊不征、少征税款罪】税务机关的工作人员徇私舞弊，不征或者少征应征税款，致使国家税收遭受重大损失的，处五年以下有期徒刑或者拘役；造成特别重大损失的，处五年以上有期徒刑。

第四百零五条 【徇私舞弊发售发票、抵扣税款、出口退税罪】税务机关的工作人员违反法律、行政法规的规定，在办理发售发票、抵扣税款、出口退税工作中，徇私舞弊，致使国家利益遭受重大损失的，处五年以下有期徒刑或者拘役；致使国家利益遭受特别重大损失的，处五年以上有期徒刑。

Other state organ work personnel, who, in violation of state stipulations, practice favoritism and malpractice in work relating to export tax refunds, including provision of customs declaration bills for export goods, and verification and cancellation of exchange earnings through export, resulting in serious losses to state interests, shall be punished according to the provisions of the preceding paragraph.

Article 406 . Work personnel of state organs, who, because of serious irresponsibility, have been deceived in the course of entering or executing agreements, resulting in serious losses to state interests, shall be punished with imprisonment or limited incarceration of less than three years; or -- for cases causing extraordinary serious losses to state interests -- with imprisonment of over three years and less than seven years.

Article 407 . Work personnel of departments in charge of forest industry, who, in violation of provisions under the Forest Law , issue logging licenses in excess of approved annual quotas or indiscriminately issue logging licenses, shall -- in cases of a serious nature that cause severe damages to forests -- be punished with imprisonment or limited incarceration of less than three years.

Article 408 . Where any staff member of a state authority assuming the food and drug safety supervision and administration duties falls under any of the following circumstances, abusing powers or neglecting duties, if the consequences are serious or there is any other serious circumstance, the staff member shall be sentenced to imprisonment of not more than five years or limited incarceration; or if the consequences are especially serious or there is any other especially serious circumstance, the staff member shall be sentenced to imprisonment of not less than five years nor more than ten years:

(1) Reporting by concealing or falsifying a food safety accident or drug safety incident.

(2) Failing to investigate and dispose of any discovered serious violation of law related to food and drug safety according to the applicable provisions.

(3) Granting a license to an application which fails to meet the conditions in the process of approval and assessment of drug products and special foods.

【违法提供出口退税罪】其他国家机关工作人员违反国家规定，在提供出口货物报关单、出口收汇核销单等出口退税凭证的工作中，徇私舞弊，致使国家利益遭受重大损失的，依照前款的规定处罚。

第四百零六条 【国家机关工作人员签订、履行合同失职被骗罪】国家机关工作人员在签订、履行合同过程中，因严重不负责任被诈骗，致使国家利益遭受重大损失的，处三年以下有期徒刑或者拘役；致使国家利益遭受特别重大损失的，处三年以上七年以下有期徒刑。

第四百零七条 【违法发放林木采伐许可证罪】林业主管部门的工作人员违反森林法的规定，超过批准的年采伐限额发放林木采伐许可证或者违反规定滥发林木采伐许可证，情节严重，致使森林遭受严重破坏的，处三年以下有期徒刑或者拘役。

第四百零八条 【环境监管失职罪】负有环境保护监督管理职责的国家机关工作人员严重不负责任，导致发生重大环境污染事故，致使公私财产遭受重大损失或者造成人身伤亡的严重后果的，处三年以下有期徒刑或者拘役。

第四百零八条 之一 【食品监管渎职罪】负有食品药品安全监督管理职责的国家机关工作人员，滥用职权或者玩忽职守，有下列情形之一，造成严重后果或者有其他严重情节的，处五年以下有期徒刑或者拘役；造成特别严重后果或者有其他特别严重情节的，处五年以上十年以下有期徒刑：

（一）瞒报、谎报食品安全事故、药品安全事件的；

（二）对发现的严重食品药品安全违法行为未按规定查处的；

(4) Failing to transfer a case that shall be transferred to the judicial authority for criminal liability in accordance with the law.

(5) Any other conduct of abusing powers or neglecting duties.

Article 408 (I): Where a state functionary with food safety supervision and management functions abuses his powers or neglects his duties, if any serious food safety accident or other serious consequence is caused, he shall be sentenced to imprisonment of not more than 5 years or limited incarceration; or if any especially serious consequence is caused, be sentenced to imprisonment of not less than 5 years but not more than 10 years.

Where the crime as provided for in the preceding paragraph is committed by the state functionary by making falsehood for personal gains, a heavier penalty shall be imposed on him.

Article 409 . Government work personnel of public health administrative departments engaging in the prevention and treatment of infectious diseases, whose serious irresponsibility has resulted in the communication and spread of infectious diseases, shall -- in cases of a serious nature -- be punished with imprisonment or limited incarceration of less than three years.

Article 410 . State organ work personnel, who practice favoritism and malpractice, violate land management rules, and abuse powers in illegally approving land acquisition and occupation, or illegally leasing out land use rights at a price lower than market value, shall -- in cases of a serious nature -- be punished with imprisonment or limited incarceration of less than three years; or -- for cases causing extraordinary heavy losses to state or collective interests -- with imprisonment of over three years and less than seven years.

Article 411 . Customs work personnel who practice favoritism and malpractice in conniving smuggling, shall, -- for cases of a serious nature-- be punished with imprisonment or limited incarceration of less than five years; or -- for cases of an extraordinary serious nature -- be punished with imprisonment of over five years.

Article 412 . Work personnel with state commercial inspection departments or organizations, who practice favoritism and malpractice and forge inspection results, shall be punished with imprisonment or limited incarceration of less than five years; or -- for cases of a serious nature -- with imprisonment of over five years and less than 10 years.

Work personnel mentioned in the preceding paragraph, who, because of serious

(三) 在药品和特殊食品审批评审过程中, 对不符合条件的申请准予许可的;

(四) 依法应当移交司法机关追究刑事责任不移交的;

(五) 有其他滥用职权或者玩忽职守行为的。

徇私舞弊犯前款罪的, 从重处罚。

第四百零九条 【传染病防治失职罪】从事传染病防治的政府卫生行政部门的工作人员严重不负责任, 导致传染病传播或者流行, 情节严重的, 处三年以下有期徒刑或者拘役。

第四百一十条 【非法批准征收、征用、占用土地罪】【非法低价出让国有土地使用权罪】国家机关工作人员徇私舞弊, 违反土地管理法规, 滥用职权, 非法批准征收、征用、占用土地, 或者非法低价出让国有土地使用权, 情节严重的, 处三年以下有期徒刑或者拘役; 致使国家或者集体利益遭受特别重大损失的, 处三年以上七年以下有期徒刑。

第四百一十一条 【放纵走私罪】海关工作人员徇私舞弊, 放纵走私, 情节严重的, 处五年以下有期徒刑或者拘役; 情节特别严重的, 处五年以上有期徒刑。

第四百一十二条 【商检徇私舞弊罪】国家商检部门、商检机构的工作人员徇私舞弊, 伪造检验结果的, 处五年以下有期徒刑或者拘役; 造成严重后果的, 处五年以上十年以下有期徒刑。

【商检失职罪】前款所列人员严重不

irresponsibility, fail to inspect goods requiring inspection, or delay inspection and issuance of certificates, or wrongly issue certificates resulting in serious losses to state interests, shall be punished with imprisonment or limited incarceration of less than three years.

Article 413 . Quarantine personnel with animal and plant quarantine organs, who practice favoritism and malpractice in forging quarantine results, shall be punished with imprisonment or limited incarceration of less than five years; or -- in cases with serious consequences -- with imprisonment of over five years and less than 10 years.

Work personnel mentioned in the preceding paragraph, who, because of serious irresponsibility, fail to carry out quarantine on goods requiring quarantine, or delay quarantine and issuance of certificates, or wrongly issue certificates resulting in serious losses to state interests, shall be punished with imprisonment or limited incarceration of less than three years.

Article 414 . State organ work personnel charged with the responsibility of establishing liabilities of criminal acts relating to the sale of fake and shoddy merchandise, who practice favoritism and malpractice and fail to perform their duties under the law, shall -- in cases of a serious nature -- be punished with imprisonment or limited incarceration of less than five years.

Article 415 . State organ work personnel charged with the responsibility of handling passports, visas, and other exit/entry documents, who knowingly grant exit/entry documents to personnel attempting to cross state (border) lines illegally; or state organ work personnel of frontier defense or customs, who knowingly let go personnel who try to cross state (border) lines illegally, shall be punished with imprisonment or limited incarceration of less than three years; or -- in cases of a serious nature -- with imprisonment of over three years and less than seven years.

Article 416 . State organ personnel charged with the responsibility of rescuing abducted or kidnapped women and children, who fail to act at the request of the abducted or kidnapped women or children or members of their family or at information received from members of the public, resulting in serious consequences, shall be punished with imprisonment or limited incarceration of less than five years.

State organ work personnel with rescue responsibility, who take advantage of their

负责任, 对应当检验的物品不检验, 或者延误检验出证、错误出证, 致使国家利益遭受重大损失的, 处三年以下有期徒刑或者拘役。

第四百一十三条 【动植物检疫徇私舞弊罪】 动植物检疫机关的检疫人员徇私舞弊, 伪造检疫结果的, 处五年以下有期徒刑或者拘役; 造成严重后果的, 处五年以上十年以下有期徒刑。

【动植物检疫失职罪】 前款所列人员严重不负责任, 对应当检疫的检疫物不检疫, 或者延误检疫出证、错误出证, 致使国家利益遭受重大损失的, 处三年以下有期徒刑或者拘役。

第四百一十四条 【放纵制售伪劣商品犯罪行为罪】 对生产、销售伪劣商品犯罪行为负有追究责任的国家机关工作人员, 徇私舞弊, 不履行法律规定的追究职责, 情节严重的, 处五年以下有期徒刑或者拘役。

第四百一十五条 【办理偷越国(边)境人员出入境证件罪】【放行偷越国(边)境人员罪】 负责办理护照、签证以及其他出入境证件的国家机关工作人员, 对明知是企图偷越国(边)境的人员, 予以办理出入境证件的, 或者边防、海关等国家机关工作人员, 对明知是偷越国(边)境的人员, 予以放行的, 处三年以下有期徒刑或者拘役; 情节严重的, 处三年以上七年以下有期徒刑。

第四百一十六条 【不解救被拐卖、绑架妇女、儿童罪】 对被拐卖、绑架的妇女、儿童负有解救职责的国家机关工作人员, 接到被拐卖、绑架的妇女、儿童及其家属的解救要求或者接到其他人的举报, 而对被拐卖、绑架的妇女、儿童不进行解救, 造成严重后果的, 处五年以下有期徒刑或者拘役。

【阻碍解救被拐卖、绑架妇女、儿童

duties to obstruct rescue operations, shall be punished with imprisonment of over two years and less than seven years; or -- for less serious cases -- with imprisonment or limited incarceration of less than two years.

Article 417 . State organ personnel charged with the responsibility of investigating and banning criminal activities, who send secret information or tip off criminal elements, or provide facility to help them evade punishment, shall be punished with imprisonment or limited incarceration of less than three years; or -- in cases of a serious nature -- with imprisonment of over three years and less than 10 years.

Article 418 . State organ work personnel who practice favoritism and malpractice in recruiting government functionaries or students, shall -- in cases of a serious nature -- be punished with imprisonment or limited incarceration of less than three years.

Article 419 . State personnel who cause damage to or loss of precious cultural relics through serious irresponsibility shall be sentenced to not more than three years in prison or limited incarceration if the circumstances are serious.

Chapter X Crimes of Violation of Duty by Military Personnel

Article 420 . Acts by military personnel of endangering national and military interests in violation of their duties which are punishable by law are considered crimes in violation of duty by military personnel.

Article 421 . Those who endanger military operations in defiance of orders in wartime shall be sentenced to not less than three years and not more than 10 years in prison. If they cause major losses in combat or battle, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Article 422 . Those who endanger military operations by deliberately concealing military information, providing false military information, refusing to relay military orders, or relaying false military orders shall be sentenced to not less than three years and not more than 10 years in prison. If they cause major losses in combat or battle, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Article 423 . Those who care for nothing but their own lives on the battleground and lay down their arms and surrender to the enemy of their own accord shall be sentenced to not less than three years and not more than 10 years in prison. If the circumstances

罪】负有解救职责的国家机关工作人员利用职务阻碍解救的，处二年以上七年以下有期徒刑；情节较轻的，处二年以下有期徒刑或者拘役。

第四百一十七条 【帮助犯罪分子逃避处罚罪】有查禁犯罪活动职责的国家机关工作人员，向犯罪分子通风报信、提供便利，帮助犯罪分子逃避处罚的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上十年以下有期徒刑。

第四百一十八条 【招收公务员、学生徇私舞弊罪】国家机关工作人员在招收公务员、学生工作中徇私舞弊，情节严重的，处三年以下有期徒刑或者拘役。

第四百一十九条 【失职造成珍贵文物损毁、流失罪】国家机关工作人员严重不负责任，造成珍贵文物损毁或者流失，后果严重的，处三年以下有期徒刑或者拘役。

第十章 军人违反职责罪

第四百二十条 【军人违反职责罪的概念】军人违反职责，危害国家军事利益，依照法律应当受刑罚处罚的行为，是军人违反职责罪。

第四百二十一条 【战时违抗命令罪】战时违抗命令，对作战造成危害的，处三年以上十年以下有期徒刑；致使战斗、战役遭受重大损失的，处十年以上有期徒刑、无期徒刑或者死刑。

第四百二十二条 【隐瞒、谎报军情罪】【拒传、假传军令罪】故意隐瞒、谎报军情或者拒传、假传军令，对作战造成危害的，处三年以上十年以下有期徒刑；致使战斗、战役遭受重大损失的，处十年以上有期徒刑、无期徒刑或者死刑。

第四百二十三条 【投降罪】在战场上贪生怕死，自动放下武器投降敌人的，处三年以上十年以下有期徒刑；

are serious, they shall be sentenced to not less than 10 years in prison or life imprisonment.

Those who work for the enemy after their surrender shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Article 424 . Those who flee from battle shall be sentenced to not more than three years in prison. If the circumstances are serious, they shall be sentenced to not less than three years in prison and not more than 10 years in prison. If they cause major losses in combat or battle, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Article 425 . Commanders and personnel on duty who cause serious consequences by leaving their posts without permission or by neglecting their duties shall be sentenced to not more than three years in prison or limited incarceration. In the event of especially serious consequences, they shall be sentenced to not less than three years and not more than seven years in prison.

Those who commit the crimes mentioned in the preceding paragraph in wartime shall be sentenced to not less than five years in prison.

Article 426 . Whoever obstructs any commander or person on duty from performing his or her duties through violence or intimidation shall be sentenced to imprisonment of not more than five years or limited incarceration; be sentenced to imprisonment of not less than five years but not more than ten years if the circumstances are serious; or be sentenced to imprisonment of not less than ten years or life imprisonment if the circumstances are especially serious. Whoever commits the crime during wartime shall be given a heavier penalty.

Article 427 . Those who cause serious consequences by abusing their powers and directing their subordinates to engage in activities in violation of their duties shall be sentenced to not more than five years in prison or limited incarceration. If the circumstances are especially serious, they shall be sentenced to not less than five years and not more than 10 years in prison.

Article 428 . Commanders who cause serious consequences by turning away from battle or acting passively in combat in defiance of orders shall be sentenced to not more than five years in prison. In the event of major losses in combat or battle, or other especially serious circumstances, they shall be sentenced to not less than five years in prison.

Article 429 . The commanders of those who cause friendly forces to suffer major losses by not coming to their rescue on the battleground, although they know that they are in imminent danger, are asking for rescue, and can be rescued, shall be sentenced

情节严重的，处十年以上有期徒刑或者无期徒刑。

投降后为敌人效劳的，处十年以上有期徒刑、无期徒刑或者死刑。

第四百二十四条 【战时临阵脱逃罪】
战时临阵脱逃的，处三年以下有期徒刑；情节严重的，处三年以上十年以下有期徒刑；致使战斗、战役遭受重大损失的，处十年以上有期徒刑、无期徒刑或者死刑。

第四百二十五条 【擅离、玩忽军事职守罪】
指挥人员和值班、值勤人员擅离职守或者玩忽职守，造成严重后果的，处三年以下有期徒刑或者拘役；造成特别严重后果的，处三年以上七年以下有期徒刑。

战时犯前款罪的，处五年以上有期徒刑。

第四百二十六条 【阻碍执行军事职务罪】
以暴力、威胁方法，阻碍指挥人员或者值班、值勤人员执行职务的，处五年以下有期徒刑或者拘役；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑或者无期徒刑。战时从重处罚。

第四百二十七条 【指使部属违反职责罪】
滥用职权，指使部属进行违反职责的活动，造成严重后果的，处五年以下有期徒刑或者拘役；情节特别严重的，处五年以上十年以下有期徒刑。

第四百二十八条 【违令作战消极罪】
指挥人员违抗命令，临阵畏缩，作战消极，造成严重后果的，处五年以下有期徒刑；致使战斗、战役遭受重大损失或者有其他特别严重情节的，处五年以上有期徒刑。

第四百二十九条 【拒不救援友邻部队罪】
在战场上明知友邻部队处境危急请求救援，能救援而不救援，致使

to not more than five years in prison.

Article 430 . Those who endanger national and military interests by leaving their posts without permission, fleeing the country, or defecting while outside the country during the course of performing official duties shall be sentenced to not more than five years in prison or limited incarceration.

If the circumstances are serious, they shall be sentenced to not less than five years in prison. In the event of desertion by aircraft or on board vessels, or other especially serious circumstances, those involved shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Article 431 . Those who illegally obtain military secrets by stealing, spying, or buying such secrets shall be sentenced to not more than five years in prison. If the circumstances are serious, they shall be sentenced to not less than five years and not more than 10 years in prison. If the circumstances are especially serious, they shall be sentenced to not less than 10 years in prison.

Whoever steals, pries into, buys, or illegally provides any military secret for any overseas institution, organization, or individual shall be sentenced to imprisonment of not less than five years nor more than ten years; or if the circumstances are serious, shall be sentenced to imprisonment of not less than ten years, life imprisonment, or death.

Article 432 . Those who leak military secrets by design or by accident in violation of laws and regulations on protecting state secrets shall be sentenced to not more than five years in prison or limited incarceration if the circumstances are serious. If the circumstances are especially serious, they shall be sentenced to not less than five years and not more than 10 years in prison.

Those who commit the crime mentioned in the preceding paragraph in wartime shall be sentenced to not less than five years and not more than 10 years in prison. If the circumstances are especially serious, they shall be sentenced to not less than 10 years in prison or life imprisonment.

Article 433 . Whoever fabricates rumors to mislead people and shake the confidence of the army in wartime shall be sentenced to imprisonment of not more than three years; be sentenced to imprisonment of not less than three years but not more than ten years if the circumstances are serious; or be sentenced to imprisonment of not less than ten years or life imprisonment if the circumstances are especially serious.

Article 434 . Those who inflict injuries on themselves to eschew military duties in wartime shall be sentenced to not more than three years in prison. If the circumstances

友邻部队遭受重大损失的，对指挥人员，处五年以下有期徒刑。

第四百三十条 【军人叛逃罪】在履行公务期间，擅离岗位，叛逃境外或者在境外叛逃，危害国家军事利益的，处五年以下有期徒刑或者拘役；情节严重的，处五年以上有期徒刑。

驾驶航空器、舰船叛逃的，或者其他特别严重情节的，处十年以上有期徒刑、无期徒刑或者死刑。

第四百三十一条 【非法获取军事秘密罪】以窃取、刺探、收买方法，非法获取军事秘密的，处五年以下有期徒刑；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑。

【为境外窃取、刺探、收买、非法提供军事秘密罪】为境外的机构、组织、人员窃取、刺探、收买、非法提供军事秘密的，处五年以上十年以下有期徒刑；情节严重的，处十年以上有期徒刑、无期徒刑或者死刑。

第四百三十二条 【故意泄露军事秘密罪】【过失泄露军事秘密罪】违反保守国家秘密法规，故意或者过失泄露军事秘密，情节严重的，处五年以下有期徒刑或者拘役；情节特别严重的，处五年以上十年以下有期徒刑。

战时犯前款罪的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑或者无期徒刑。

第四百三十三条 【战时造谣惑众罪】战时造谣惑众，动摇军心的，处三年以下有期徒刑；情节严重的，处三年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑或者无期徒刑。

第四百三十四条 【战时自伤罪】战时自伤身体，逃避军事义务的，处三

are serious, they shall be sentenced to not less than three years and not more than seven years in prison.

Article 435 . Those who desert their troops in violation of military service laws and regulations shall be sentenced to not more than three years in prison or limited incarceration if the circumstances are serious.

Those who commit the crime mentioned in the preceding paragraph in wartime shall be sentenced to not less than three years and not more than seven years in prison.

Article 436 . Those who violate regulations on the use of weaponry in circumstances that are so serious as to constitute accidents through negligence that result in serious injuries or deaths or that cause other serious consequences shall be sentenced to not more than three years in prison or limited incarceration. If the consequences are especially serious, they shall be sentenced to not less than three years and not more than seven years in prison.

Article 437 . Those who cause serious consequences by changing the prescribed ways of using weaponry in violation of weaponry management regulations shall be sentenced to not more than three years in prison or limited incarceration. If the circumstances are especially serious, they shall be sentenced to not less than three years and not more than seven years in prison.

Article 438 . Those who steal or snatch weaponry or war materiel shall be sentenced to not more than five years in prison or limited incarceration. If the circumstances are serious, they shall be sentenced to not less than five years and not more than 10 years in prison. If the circumstances are especially serious, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Those who steal or snatch firearms, ammunition, or explosives shall be punished in accordance with the provisions in Article 127 of this law.

Article 439 . Those who illegally sell or transfer military weaponry shall be sentenced to not less than three years and not more than 10 years in prison. In the event of selling or transferring large quantities of weaponry, or other especially serious circumstances, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Article 440 . Those who abandon weaponry in defiance of orders shall be sentenced to not more than five years in prison or limited incarceration. In the event of abandoning important weaponry or large quantities of weaponry, or other serious circumstances, they shall be sentenced to not less than five years in prison.

年以下有期徒刑；情节严重的，处三年以上七年以下有期徒刑。

第四百三十五条 【逃离部队罪】 违反兵役法规，逃离部队，情节严重的，处三年以下有期徒刑或者拘役。

战时犯前款罪的，处三年以上七年以下有期徒刑。

第四百三十六条 【武器装备肇事罪】 违反武器装备使用规定，情节严重，因而发生责任事故，致人重伤、死亡或者造成其他严重后果的，处三年以下有期徒刑或者拘役；后果特别严重的，处三年以上七年以下有期徒刑。

第四百三十七条 【擅自改变武器装备编配用途罪】 违反武器装备管理规定，擅自改变武器装备的编配用途，造成严重后果的，处三年以下有期徒刑或者拘役；造成特别严重后果的，处三年以上七年以下有期徒刑。

第四百三十八条 【盗窃、抢夺武器装备、军用物资罪】 盗窃、抢夺武器装备或者军用物资的，处五年以下有期徒刑或者拘役；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑、无期徒刑或者死刑。

【盗窃、抢夺枪支、弹药、爆炸物、危险物质罪】 盗窃、抢夺枪支、弹药、爆炸物的，依照本法第一百二十七条的规定处罚。

第四百三十九条 【非法出卖、转让武器装备罪】 非法出卖、转让军队武器装备的，处三年以上十年以下有期徒刑；出卖、转让大量武器装备或者有其他特别严重情节的，处十年以上有期徒刑、无期徒刑或者死刑。

第四百四十条 【遗弃武器装备罪】 违抗命令，遗弃武器装备的，处五年以下有期徒刑或者拘役；遗弃重要或者大量武器装备的，或者有其他严重情节的，处五年以上有期徒刑。

Article 441 . In the event of failure to promptly report loss of weaponry, or other serious circumstances, those involved shall be sentenced to not more than three years in prison or limited incarceration.

Article 442 . In the event of selling or transferring military real estate without permission in violation of relevant provisions, and if the circumstances are serious, the people directly responsible shall be sentenced to not more than three years in prison or limited incarceration. If the circumstances are especially serious, they shall be sentenced to not less than three years and not more than 10 years in prison.

Article 443 . Those who abuse their powers and maltreat their subordinates in vicious circumstances that result in serious injuries or give rise to other serious consequences shall be sentenced to not more than five years in prison or limited incarceration. If deaths result, they shall be sentenced to not less than five years in prison.

Article 444 . Persons directly responsible for the intentional abandonment of injured or sick servicemen on battlefields, if the case is serious, are to be sentenced to five years or fewer in prison.

Article 445 . Those working in medical aid or medical treatment positions during wartime who refuse to save or treat seriously injured or critically sick servicemen when conditions permit them to do so are to be sentenced to five years or fewer in prison or put under limited incarceration. If the case results in serious disability, death, or other grave consequences of the injured or sick servicemen, those responsible are to be sentenced to five to 10 years in prison.

Article 446 . Those cruelly injuring innocent residents or looting innocent residents' money or other property on military action areas are to be sentenced to five years or fewer in prison. If the case is serious, they are to be sentenced to five to 10 years in prison. If the case is extraordinarily serious, they are to be sentenced to 10 years or more in prison, given a life sentence, or sentenced to death.

Article 447 . Those releasing prisoners of war without authorization are to be sentenced to five years or fewer in prison. Those releasing important prisoners of war or many prisoners of war, or those involved in other serious cases, are to be sentenced to five years or more in prison.

Article 448 . Those mistreating prisoners of war, if the case is serious, are to be sentenced to three years or fewer in prison.

第四百四十一条

【遗失武器装备罪】遗失武器装备，不及时报告或者有其他严重情节的，处三年以下有期徒刑或者拘役。

第四百四十二条 【擅自出卖、转让军队房地产罪】违反规定，擅自出卖、转让军队房地产，情节严重的，对直接责任人员，处三年以下有期徒刑或者拘役；情节特别严重的，处三年以上十年以下有期徒刑。

第四百四十三条 【虐待部属罪】滥用职权，虐待部属，情节恶劣，致人重伤或者造成其他严重后果的，处五年以下有期徒刑或者拘役；致人死亡的，处五年以上有期徒刑。

第四百四十四条 【遗弃伤病军人罪】在战场上故意遗弃伤病军人，情节恶劣的，对直接责任人员，处五年以下有期徒刑。

第四百四十五条 【战时拒不救治伤病军人罪】战时在救护治疗职位上，有条件救治而拒不救治危重伤病军人的，处五年以下有期徒刑或者拘役；造成伤病军人重残、死亡或者有其他严重情节的，处五年以上十年以下有期徒刑。

第四百四十六条 【战时残害居民、掠夺居民财物罪】战时在军事行动地区，残害无辜居民或者掠夺无辜居民财物的，处五年以下有期徒刑；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑、无期徒刑或者死刑。

第四百四十七条 【私放俘虏罪】私放俘虏的，处五年以下有期徒刑；私放重要俘虏、私放俘虏多人或者有其他严重情节的，处五年以上有期徒刑。

第四百四十八条 【虐待俘虏罪】虐待俘虏，情节恶劣的，处三年以下有期徒刑。

Article 449 . During wartime, convicted servicemen who are sentenced to three years or fewer in prison, who pose no practical dangers, and whose sentence is suspended, are allowed to redeem themselves by good service. If they prove to have done meritorious service, their original sentence may be rescinded and they may not be considered to have committed a crime.

Article 450 . This Chapter shall apply to military officers, civilian cadres, and soldiers in active service and cadets with a military status of the Chinese People's Liberation Army, police officers, civilian cadres, and soldiers in active service and cadets with a military status of the Chinese People's Armed Police, as well as civilian staff and reservists and other persons performing military tasks.

Article 451 . Wartime as mentioned in this chapter refers to the time after the state has declared the state of war, troops have been assigned with combat missions, or when the country is suddenly attacked by enemy.

The time during which troops carry out martial law missions or handle emergency violence is considered wartime.

Supplementary Articles

Article 452 . This law will go into effect as of October 1, 1997.

Regulations, supplementary provisions, and decisions made by the National People's Congress Standing Committee that are listed in appendix one of this law have either been included in this law or are no longer applicable; therefore they are to be nullified as of the date when this law goes into effect.

Supplementary provisions and decisions made by the National People's Congress Standing Committee that are listed in appendix two of this law are to be retained. Among them, provisions governing administrative punishment and measures continue to be effective; provisions governing criminal liability have been included in this law and therefore provisions in this law will apply as of the date when this law goes into effect.

Appendix I

The following regulations, supplementary provisions, and decisions, made by National People's Congress Standing Committee, have either been included in this law or are no longer applicable; therefore they are to be nullified as of the date when this law goes into effect

1. [PRC Provisional Regulations on Punishing Military Personnel for Violation of Duty](#) ;

第四百四十九条

【战时缓刑】在战时，对被判处三年以下有期徒刑没有现实危险宣告缓刑的犯罪军人，允许其戴罪立功，确有立功表现时，可以撤销原判刑罚，不以犯罪论处。

第四百五十条 【本章适用的主体范围】本章适用于中国人民解放军的现役军官、文职干部、士兵及具有军籍的学员和中国人民武装警察部队的现役警官、文职干部、士兵及具有军籍的学员以及文职人员、执行军事任务的预备役人员和其他人员。

第四百五十一条 【战时的概念】本章所称战时，是指国家宣布进入战争状态、部队受领作战任务或者遭敌突然袭击时。

部队执行戒严任务或者处置突发性暴力事件时，以战时论。

附则

第四百五十二条 【施行日期】本法自 1997 年 10 月 1 日起施行。

列于本法附件一的全国人民代表大会常务委员会制定的条例、补充规定和决定，已纳入本法或者已不适用，自本法施行之日起，予以废止。

列于本法附件二的全国人民代表大会常务委员会制定的补充规定和决定予以保留。其中，有关行政处罚和行政措施的规定继续有效；有关刑事责任的规定已纳入本法，自本法施行之日起，适用本法规定。

附件一

全国人民代表大会常务委员会制定的下列条例、补充规定和决定，已纳入本法或者已不适用，自本法施行之日起，予以废止：

1. [中华人民共和国惩治军人违反职责罪暂行条例](#)

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|---|--|
| 2. Decision on Severely Punishing Criminals Seriously Undermining the Economy ; | 2. 关于严惩严重破坏经济的罪犯的决定 |
| 3. Decision on Severely Punishing Criminal Elements Seriously Compromising Social Order ; | 3. 关于严惩严重危害社会治安的犯罪分子的决定 |
| 4. Supplementary Provisions on Cracking Down on the Crime of Smuggling ; | 4. 关于惩治走私罪的补充规定 |
| 5. Supplementary Provisions on Cracking Down on the Crime of Corruption or Bribery ; | 5. 关于惩治贪污罪贿赂罪的补充规定 |
| 6. Supplementary Provisions on Cracking Down on the Crime of Letting Out State Secrets ; | 6. 关于惩治泄露国家秘密犯罪的补充规定 |
| 7. Supplementary Provisions on Cracking Down on the Crime of Killing Rare and Endangered Wildlife That Are Selectively Under the State's Protection ; | 7. 关于惩治捕杀国家重点保护的珍贵、濒危野生动物犯罪的补充规定 |
| 8. Decision on Cracking Down on the Crime of Insulting the PRC National Flag or Emblem ; | 8. 关于惩治侮辱中华人民共和国国旗国徽罪的决定 |
| 9. Supplementary Provisions on Cracking Down on the Crime of Robbing Ancient Cultural Ruins or Ancient Tombs ; | 9. 关于惩治盗掘古文化遗址古墓葬犯罪的补充规定 |
| 10. Decision on Punishing Criminal Elements Hijacking Aviation Vehicles ; | 10. 关于惩治劫持航空器犯罪分子的决定 |
| 11. Supplementary Provisions on Cracking Down on the Crime of Counterfeiting Registered Trade Marks ; | 11. 关于惩治假冒注册商标犯罪的补充规定 |
| 12. Decision on Cracking Down on the Crime of Producing or Selling Counterfeit or Inferior Commodities ; | 12. 关于惩治生产、销售伪劣商品犯罪的决定 |
| 13. Decision on Cracking Down on the Crime of Infringing on Copyright ; | 13. 关于惩治侵犯著作权的犯罪的决定 |
| 14. Decision on Cracking Down on the Crime of Violating the Company Law ; | 14. 关于惩治违反公司法的犯罪的决定 |
| 15. Decision on Handling Escaped Criminals Under Reform Through Labor or People Under Education Through Labor, or Those Who Commit Crimes Again . | 15. 关于处理逃跑或者重新犯罪的劳改犯和劳教人员的决定 |

Appendix II

The following supplementary provisions and decisions, made by the National People's Congress Standing Committee, are to be retained. Among them, provisions governing administrative punishment and measures continue to be effective; provisions governing criminal liability have been included in this law and therefore provisions in this law will apply as of the date when this law goes into effect.

1. Decision on Prohibiting Drugs;
2. [Decision on Punishing Criminal Elements Committing Smuggling, Producing,](#)

附件二

全国人民代表大会常务委员会制定的下列补充规定和决定予以保留，其中，有关行政处罚和行政措施的规定继续有效；有关刑事责任的规定已纳入本法，自本法施行之日起，适用本法规定：

1. 关于禁毒的决定
2. [关于惩治走私、制作、贩卖、传播](#)

[Selling, or Disseminating Obscene Materials;](#)

[淫秽物品的犯罪分子的决定](#)

3. [Decision on Punishing Criminal Elements Committing Abduction and Selling or Kidnapping of Women or Children;](#)

3. [关于严惩拐卖、绑架妇女、儿童的犯罪分子的决定](#)

4. [Decision on Strictly Prohibiting Prostitution and Whorehouse Visiting;](#)

4. [关于严禁卖淫嫖娼的决定](#)

5. [Supplementary Provisions on Cracking Down on the Crime of Evading Taxes or Refusing to Pay Taxes;](#)

5. [关于惩治偷税、抗税犯罪的补充规定](#)

6. [Supplementary Provisions on Severely Cracking Down on the Crime of Organizing People to Illegally Cross National Borders \(Frontiers\) or of Illegally Shipping People Across National Borders \(Frontiers\);](#)

6. [关于严惩组织、运送他人偷越国\(边\)境犯罪的补充规定](#)

7. [Decision on Cracking Down on the Crime of Undermining the Financial Order;](#)

7. [关于惩治破坏金融秩序犯罪的决定](#)

8. [Decision on Cracking Down on the Crime of the Fraudulent Issuance of, Forging, or Illegally Selling Invoices Exclusively for Value-Added Taxes.](#)

8. [关于惩治虚开、伪造和非法出售增值税专用发票犯罪的决定](#)

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